

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF INSURANCE

Division of Workers' Compensation

RULE TITLES: Definitions
Requesting Assistance

RULE NOS.: 4L-26.002
4L-26.004

PURPOSE AND EFFECT: Rule 4L-26.002, F.A.C., is being amended to correct a statutory citation [from Sections 440.191(2)(d) to 440.191(2)(a), Florida Statutes] in subsection 4L-26.002(2), F.A.C., and to include in the rule the form and manner of written notice of the availability of services from the Employee Assistance Office that the employer or carrier must provide the employee, pursuant to Section 440.185(12), Florida Statutes. Rule 4L-26.004, F.A.C., is being amended to delete the requirement in subsection 4L-26.004(1), F.A.C., that an injured party or any other party to a dispute involving a workers' compensation issue shall contact and request assistance from the Employee Assistance Office before filing a petition for a hearing before a Judge of Compensation Claims.

SUBJECT AREA TO BE ADDRESSED: Contacts with the Employee Assistance Office of the Division of Workers' Compensation and the form of written notification of the availability of services from the Employee Assistance Office that the employer or carrier must provide to an injured employee.

SPECIFIC AUTHORITY 440.185(12), 440.191(1)(b), 440.591 FS.

LAW IMPLEMENTED 440.185(12), 440.191(2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:30 p.m., Tuesday, October 14, 2003

PLACE: 104J Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Andrew Sabolic, Policy Coordinator, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4220, (850)488-2514

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE: Fair Consumer Practices

RULE NO.: 6E-1.0032

PURPOSE AND EFFECT: The Commission proposes development of this rule to clarify the antihazing standards and make them consistent with the statute.

SUBJECT AREA TO BE ADDRESSED: Fair Consumer Practices.

SPECIFIC AUTHORITY: 1005.22(1)(e)1., 1005.34 FS.

LAW IMPLEMENTED: 1005.04, 1005.22(1)(k), 1005.31(13), 1005.32(5), 1005.34 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6E-1.0032 Fair Consumer Practices.

(1) through (5) No change.

(6) Each prospective student shall be provided a written copy, or shall have access to an electronic copy, of the institution's catalog prior to enrollment or the collection of any tuition, fees or other charges. The catalog shall contain the following required disclosures, and catalogs of licensed institutions must also contain the information required in subsections 6E-2.004(11) and (12), F.A.C.:

(a) through (k) No change.

(7) through (8) No change.

~~(9) Licensed colleges and universities shall adopt, publish, and uniformly enforce an antihazing policy as required by Section 1005.31(13), Florida Statutes, and provide a copy to the Commission.~~

~~(9)(10) No change.~~

Specific Authority 1005.22(1)(e)1., 1005.34 FS. Law Implemented 1005.04, 1005.22(1)(k), 1005.31(13), 1005.32(5), 1005.34 FS. History—New 10-19-93, Amended 4-2-96, 11-5-00, 1-7-03, _____.

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE: Approved Applicant Status

RULE NO.: 6E-2.001

PURPOSE AND EFFECT: The Commission proposes the development of this rule to clarify the process for Approved Applicant status.

SUBJECT AREA TO BE ADDRESSED: Approved Applicant Status.

SPECIFIC AUTHORITY: 1005.31(2),(3) FS.

LAW IMPLEMENTED: 1005.31(2),(3),(4) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6E-2.001 Approved Applicant Status.

All new or out-of-state institutions applying for initial licensure to operate in Florida, whether planning to offer degrees or nondegree programs, must file an application for a Provisional License. When the application is deemed complete, as defined in subsection 6E-1.003(10), F.A.C., the institution will be placed on Approved Applicant status while final preparations are made.

(1) No change.

(2) Review and recommendation. If the initial application has omissions, staff shall contact the applicant and request all omitted materials. When the application for a Provisional License is deemed complete by Commission staff, and the background checks required by law for appropriate personnel have been completed and grounds for ineligibility for licensure have not been found, the application shall be presented to the Commission ~~at its next meeting with a recommendation to grant Approved Applicant status.~~

(3) through (8) No change.

Specific Authority 1005.31(2),(3) FS. Law Implemented 1005.31(2),(3),(4) FS. History—Repromulgated 12-5-74, Formerly 6E-4.01(1)(a)-(e), Readopted 11-11-75, Amended 5-7-79, 10-13-83, Formerly 6E-2.01, Amended 11-27-88, 11-29-89, 12-10-90, 10-19-93, 4-2-96, 4-11-00, 1-7-03, _____.

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE:

Standards and Procedures for Licensure

RULE NO.:

6E-2.004

PURPOSE AND EFFECT: The Commission proposes development to the rules to address changes to language and to clarify the required continuing education hours.

SUBJECT AREA TO BE ADDRESSED: Standards and Procedures of Licensure.

SPECIFIC AUTHORITY: 1005.22(1)(e), 1005.31(2),(3), 1005.34, 1005.39 FS.

LAW IMPLEMENTED: 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6E-2.004 Standards and Procedures for Licensure.

Each institution applying for a license or moving to a new level of licensure shall provide to the Commission the following specific information, in English. All information and documentation submitted pursuant to the provisions of these rules shall be accompanied by certification signed by the chief administrative officer of the institution, affirming that the information and documentation submitted is accurate. Any application or review which is not substantially complete shall be returned to the institution with a request to complete and resubmit the material.

(1) Standard 1: Name.

(a) An institution's name must clearly indicate that the primary purpose of the institution is education, and must not be misleading to the public. Noncollegiate schools shall not use the words "college" or "university" in their names. No institution shall use a name that may lead the student to believe that the institution is a public institution, unless it is an institution provided, operated, or supported by the State of Florida or its political subdivisions, another state, or the federal government. The license will be issued in the official corporate name, or an official fictitious name if the institution ~~school~~ provides documentation that such name is registered with the Florida Secretary of State, or comparable official in the appropriate jurisdiction. If using a fictitious name, the institution ~~school~~ must disclose its official corporate name in its catalog.

(b) through (d) No change.

(2) No change.

(3) Standard 3: Administrative Organization.

(a) No change.

(b) Each institution and additional location shall have as its designated administrator a person who has at least two years of supervisory experience in an executive or managerial position in a similar institution school or related business.

(c) through (d) No change.

(e) Pursuant to Section 1005.39, Florida Statutes, individuals holding the following or similar positions in licensed institutions shall complete at least eight continuing education contact hours of training related to their positions each year from the Commission or another provider which the Commission has determined to include relevant information in its training programs: school director, Florida director, or chief executive officer; chief education/academic officer or director of education or training; placement director; admissions director; and financial aid director. ~~Each institution shall provide, at the time of initial application or review of licensure, documentation that the required training was received.~~ If an individual holds more than one of these positions, the documentation shall indicate for which position the training was appropriate. Compliance with this requirement is a condition of licensure or renewal of licensure.

(f) through (h) No change.

(4) Educational programs and curricula. The following standards shall apply to all institutions licensed by the Commission for Independent Education, except as expressly stated otherwise.

(a) through (i) No change.

(j) At least 25 ~~20~~ percent of the credits or hours required for completion of a program must be earned through instruction taken at the institution awarding the credential, unless a different standard has been adopted by the recognized accrediting body accrediting the institution, or by a governmental agency whose policies apply to the institution. This standard shall not apply if any of the training was taken at accredited institutions as defined in Section 1005.02(1), Florida Statutes, while the student was a member of the U.S. armed services.

(k) through (r) No change.

(5) through (12) No change .

Specific Authority 1005.22(1)(e), 1005.31(2),(3), 1005.34, 1005.39 FS. Law Implemented 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 FS. History—Repromulgated 12-5-74, Formerly 6E-3.01(1), Readopted 11-11-75, Amended 3-7-77, 5-7-79, 10-13-83, Formerly 6E-2.04, Amended 11-27-88, 11-29-89, 12-10-90, 10-19-93, 4-2-96, 4-11-00, 1-7-03, _____.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Prepaid Escrow Accounts	14-114
RULE TITLE:	RULE NO.:
Prepaid Escrow Accounts	14-114.0011

PURPOSE AND EFFECT: This amendment includes an editorial revision to incorporate a new version of the Prepaid Escrow Account Application, Form 350-060-10. The form is being revised to show a change resulting from the September 4, 2003, amendment.

SUBJECT AREA TO BE ADDRESSED: A revised version of the Prepaid Escrow Account Application, Form 350-060-10, also is being incorporated by reference.

SPECIFIC AUTHORITY: 334.044(2), 334.187(4) FS.

LAW IMPLEMENTED: 334.187 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-114.0011 Prepaid Escrow Accounts.

(1) through (2) No change.

(3) Initial Application. Application for a Prepaid Escrow Account with the Department will be made by submitting a Prepaid Escrow Account Application, Department of Transportation Form 350-060-10, R. 09/03 ~~01/02~~, and the appropriate deposit as set forth in paragraph 14-114.004(4)(b), F.A.C., to the Florida Department of Transportation, Office of Comptroller, Cashier, 3717 Apalachee Parkway, East, Tallahassee, Florida 32311-3400.

(4) through (6) No change.

(7) Forms. The following forms, which are incorporated by reference and made a part of these rules, are to be used by the applicants for Prepaid Escrow Accounts:

Form Number	Date	Title
350-060-10	<u>09/03</u> 01/02	Prepaid Escrow Account Application
350-060-08	01/02	Account Bond

These forms may be obtained from the Department of Transportation Office of the Comptroller, Accounts Receivable Section, 3717 Apalachee Parkway East, Tallahassee, Florida 32311-3400.

Specific Authority 334.044(2), 334.187(4) FS. Law Implemented 334.187 FS. History—New 6-4-02, Amended 9-4-03, _____.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m., or as soon thereafter as possible, October 7, 2003

PLACE: Division of Real Estate, Conference Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

IF REQUESTED, AN ADDITIONAL WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE, UPON WRITTEN REQUEST.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Equivalency Education

RULE NO.: 61J1-4.002

PURPOSE AND EFFECT: The purpose of the proposed rule development workshop is to bring the rule into compliance with statutory changes, which took effect July 1, 2003.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rule provisions relating to equivalency education requirements.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.617 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m., or as soon thereafter as possible, October 7, 2003

PLACE: Division of Real Estate, Conference Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

IF REQUESTED, AN ADDITIONAL WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE, UPON WRITTEN REQUEST.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Continuing Education

RULE NO.: 61J1-4.003

PURPOSE AND EFFECT: The purpose of the proposed rule development workshop is to bring the rule into compliance with statutory changes, which took effect July 1, 2003.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rule provisions relating to continuing education requirements.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.618 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m., or as soon thereafter as possible, October 7, 2003

PLACE: Division of Real Estate, Conference Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

IF REQUESTED, AN ADDITIONAL WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE, UPON WRITTEN REQUEST.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Renewal of Inactive Registrations, Licenses, and Certifications

RULE NO.: 61J1-4.007

PURPOSE AND EFFECT: The purpose of the proposed rule development workshop is to bring the rule into compliance with statutory changes, which took effect July 1, 2003.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rule provisions relating to the refund of applicant and license fees.

SPECIFIC AUTHORITY: 475.614, 475.619 FS.

LAW IMPLEMENTED: 475.618, 475.619 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m., or as soon thereafter as possible, October 7, 2003

PLACE: Division of Real Estate, Conference Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

IF REQUESTED, AN ADDITIONAL WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE, UPON WRITTEN REQUEST.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Continuing Education for School Instructors RULE NO.: 61J1-4.008

PURPOSE AND EFFECT: The purpose of the proposed rule development workshop is to bring the rule into compliance with statutory changes, which took effect July 1, 2003.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rule provisions relating to the continuing education requirements for school instructors.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.618 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m., or as soon thereafter as possible, October 7, 2003

PLACE: Division of Real Estate, Conference Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

IF REQUESTED, AN ADDITIONAL WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE, UPON WRITTEN REQUEST.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Post Licensing Education for Registered Trainee Appraisers RULE NO.: 61J1-4.009

PURPOSE AND EFFECT: The purpose of the proposed rule development workshop is to bring the rule into compliance with statutory changes, which took effect July 1, 2003.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rule provisions relating to the refund of applicant and license fees.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.6175 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m., or as soon thereafter as possible, October 7, 2003

PLACE: Division of Real Estate, Conference Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

IF REQUESTED, AN ADDITIONAL WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE, UPON WRITTEN REQUEST.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Supervision of Registered Trainee Appraiser RULE NO.: 61J1-4.010

PURPOSE AND EFFECT: The purpose of the proposed rule development workshop is to bring the rule into compliance with statutory changes, which took effect July 1, 2003.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rule provisions relating to the refund of applicant and license fees.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.611, 475.6221, 475.6222 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m., or as soon thereafter as possible, October 7, 2003

PLACE: Division of Real Estate, Conference Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

IF REQUESTED, AN ADDITIONAL WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ashley

Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE, UPON WRITTEN REQUEST.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: RULE NO.:

Appraisal Examination Areas of Competency 61J1-5.001

PURPOSE AND EFFECT: The purpose of the proposed rule development workshop is to bring the rule into compliance with statutory changes, which took effect July 1, 2003.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rule provisions relating to appraisal examination areas of competency.

SPECIFIC AUTHORITY: 455.217, 475.614 FS.

LAW IMPLEMENTED: 455.217, 475.616 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m., or as soon thereafter as possible, October 7, 2003

PLACE: Division of Real Estate, Conference Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

IF REQUESTED, AN ADDITIONAL WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE, UPON WRITTEN REQUEST.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Nursing

RULE CHAPTER TITLE: RULE CHAPTER NO.:

The Role of the Nurse in

Conscious Sedation

64B9-17

RULE TITLES: RULE NOS.:

Statement of Intent and Purpose 64B9-17.001

Definitions 64B9-17.002

Competency and Knowledge Requirements 64B9-17.003

PURPOSE AND EFFECT: The Board proposes the new rule chapter and rules to determine the permissible scope of practice of the registered nurse in the administration of new and advanced treatments and medications for conscious sedation.

SUBJECT AREA TO BE ADDRESSED: The new proposed rule chapter and rules set forth the definitions of conscious sedation and the competency and knowledge requirements of registered nurses.

SPECIFIC AUTHORITY: 464.003(3)(a), 464.006 FS.

LAW IMPLEMENTED: 464.003(3)(a), 464.012(3), 464.015(1),(5) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dan Coble, Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

THE ROLE OF THE NURSE IN CONSCIOUS SEDATION

64B9-17.001 Statement of Intent of Purpose.

(1) The "practice of professional nursing" as defined by Section 464.003(3)(a), Florida Statutes, includes "the administration of treatments and medications as prescribed or authorized by a duly licensed practitioner authorized by the laws of this state to prescribe such medicines and treatments." As medical science advances, new drugs and procedures are introduced to provide health services to the public. A registered nurse, when qualified by training and education and when approved by the institution at which the registered nurse is employed, may engage in the limited administration of drugs for conscious and deep sedation under specific conditions.

(2) The purpose of this rule is to protect the public by ensuring that competent registered nurses administer conscious sedation and deep sedation. The rule sets out the education and/or competency verification necessary to administer conscious sedation and deep sedation under specific conditions.

(3) To allow institutions time to evaluate the competency and knowledge of or to train the registered nurse who may want to administer conscious or deep sedation, the provisions of this rule chapter shall become operable in six months from

the date this rule chapter is adopted, effective _____.
Nothing shall prohibit those individuals who meet the
requirements specified in this rule chapter at the time of its
adoption from engaging in the administration of conscious or
deep sedation as delineated in this rule chapter.

Specific Authority 464.003(3)(a), 464.006 FS. Law Implemented
464.003(3)(a), 464.012(3), 464.015(1),(5) FS. History—New _____.

64B9-17.002 Definitions.

Conscious sedation is produced by the administration of
pharmacological agents administered singly or in combination.
A patient under conscious sedation has a depressed level of
consciousness, but retains the ability to independently and
continuously maintain a patent airway and respond
appropriately to physical stimulation and/or to verbal
command. Conscious sedation may easily be converted into
deep sedation or the loss of consciousness, because of the
unique characteristics of the drugs used, as well as the physical
status and drug sensitivities, of the individual patient. The
administration of conscious sedation requires continuous
monitoring of the patient and the ability to respond
immediately to deviations from the norm. Conscious sedation
should only be provided by an individual who is competent in
thorough patient assessment, is able to administer drugs
through a variety of routes, is able to identify responses which
are a deviation from the norm, and is able to intervene as
necessary. Conscious sedation is used in short-term,
therapeutic, diagnostic, or surgical procedures. It is important
to differentiate between conscious sedation, deep sedation and
general anesthesia.

(1) "Conscious sedation" is a medically controlled state of
depressed level of consciousness, which allows the patient to
independently and continuously maintain a patent airway,
retain protective reflexes and respond appropriately to
non-painful physical or verbal commands.

(2) "Deep sedation" is a medically controlled state of
depressed consciousness or unconsciousness during which the
patient cannot maintain a patent airway independently, which
may include loss of protective reflexes, from which the patient
is not easily aroused and is unable to purposely respond to
physical stimulation and/or verbal command. Anesthetic
agents may be used to achieve deep sedation.

(3) "General anesthesia" is a medically controlled state of
unconsciousness accompanied by loss of protective reflexes,
inability to maintain an airway independently and inability to
respond to physical stimulation or verbal command.

Specific Authority 464.003(3)(a), 464.006 FS. Law Implemented
464.003(3)(a), 464.012(3), 464.015(1),(5) FS. History—New _____.

64B9-17.003 Competency and Knowledge Requirements.

(1) The Registered Nurse (RN) may administer conscious
sedation and manage patients who are receiving and recovering
from conscious sedation. Further, the Board believes that this
role is beyond the scope of practice for the Licensed Practical
Nurse or the tasks allowed for unlicensed assistive personnel.

(2) A Registered Nurse may administer medication to
achieve conscious sedation during therapeutic, diagnostic, or
surgical procedures provided the following criteria are met:

(a) The Registered Nurse administers only non-anesthetic
drugs for conscious sedation, unless the Registered Nurse is
also certified as a nurse anesthetist or unless the Registered
Nurse administers anesthetic agents during an emergency
under the direction and supervision of a physician:

(b) The Registered Nurse must have demonstrated skill in
age-specific airway management and emergency resuscitation
through advanced cardiac life support (ACLS), pediatric
advanced life support (PALS), or equivalent training:

(c) The Registered Nurse must have successfully
completed a program, either formal or informal, in conscious
sedation. The content of that program must, at a minimum,
contain information on drugs used during conscious sedation,
including reversal agents, their actions, side-effects and
untoward effects. The program must also address appropriate
interventions and physiologic measurements for evaluating
respiratory rate, oxygen saturation, blood pressure, cardiac rate
and rhythm, and the patient's level of consciousness:

(d) The Registered Nurse administers medications to
achieve sedation by executing the order of a qualified
anesthesia provider or attending physician:

(e) The Registered Nurse assures that a physician will be
present in the facility and available to respond immediately
during the course of sedation (initiation through recovery) and
other qualified persons will be available to respond in the event
of an emergency:

(f) A continuous patent intravenous access must be in
place throughout the procedure and until the patient is
recovered:

(g) The Registered Nurse is responsible for monitoring the
patient throughout the procedure as well as through the
recovery phase. While the Registered Nurse is managing the
care of patients receiving conscious sedation, he/she shall have
no other responsibility that would leave the patient unattended
or compromise continuous monitoring:

(h) Emergency and resuscitative equipment must be
available in the immediate area where the procedure is being
performed:

(i) The institution or practice setting must have written
protocols in place to include, but not be limited to, patient
monitoring, drug administration, and directions for dealing
with potential complications or emergency situations. These
protocols must be reviewed at frequent intervals to assure that

they are within current and accepted standards of practice. The frequency of review should be consistent with review of other policies in the institution or practice setting; and.

(j) The employer must have a mechanism for determining and documenting education/training, clinical competency and a process for documenting the individual's demonstration of knowledge, skills, and ability related to management of patients during conscious sedation. Both evaluation and documentation of competence shall be done on a periodic basis according to institutional policy and within current and expected standards of nursing practice.

(3) A Registered Nurse may administer medication to achieve deep sedation only to a monitored, intubated and mechanically ventilated patient who is located in an intensive care, critical care or emergency setting provided the following criteria in paragraphs 64B9-17.004(1)(a)-(d), F.A.C., and paragraphs 64B9-17.004(1)(f)-(j), F.A.C., are met.

(4) A Registered Nurse shall not administer general anesthesia unless licensed per Section 464.012, Florida Statutes, as a certified registered nurse anesthetist or unless licensed as a certified nurse midwife.

Specific Authority 464.003(3)(a), 464.006 FS. Law Implemented 464.003(3)(a), 464.012(3), 464.015(1),(5) FS. History—New

NAVIGATION DISTRICTS

Florida Inland Navigation District

RULE TITLES:	RULE NOS.:
Definitions	66B-1.003
Policy	66B-1.004
Funds Allocation	66B-1.005
Project Eligibility	66B-1.008

PURPOSE AND EFFECT: The purpose of the proposed rule development is to include the following provisions in the program rule: Add specific definitions to the definitions section of the rule; Add specific waterways essential to the Inland Waterway Navigation system to the definition of eligible waterways; Clarify the rule regarding third-party eligibility; revise funding ratios for dredging projects; revise the eligibility of certain items and applicant personnel and equipment costs; and limit the amount available to law enforcement vessels.

The effect of the rule development is to implement changes in the administration of the District's Waterways Assistance Program that will assist the District and program applicants in the review and evaluation of applications submitted pursuant to the rule.

SUBJECT AREA TO BE ADDRESSED: Cooperative Assistance Program rule sections: Definitions, Policy, Funds Allocation and Project Eligibility.

SPECIFIC AUTHORITY: 374.976(2) FS.

LAW IMPLEMENTED: 374.976(1)-(3) FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 11:00 a.m., October 21, 2003

PLACE: The District office, 1314 Marcinski Road, Jupiter, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, (561)627-3386

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

NAVIGATION DISTRICTS

Florida Inland Navigation District

RULE TITLES:	RULE NOS.:
Definitions	66B-2.003
Policy	66B-2.004
Funds Allocation	66B-2.005
Project Eligibility	66B-2.008

PURPOSE AND EFFECT: The purpose of the proposed rule development is to include the following provisions in the program rule: Add specific definitions to the definitions section of the rule; Add specific waterways essential to the Inland Waterway Navigation system to the definition of eligible waterways; Clarify the rule regarding third-party eligibility; revise funding ratios for dredging projects; revise the eligibility of certain items and applicant personnel and equipment costs; and limit the amount available to law enforcement vessels.

The effect of the rule development is to implement changes in the administration of the District's Waterways Assistance Program that will assist the District and program applicants in the review and evaluation of applications submitted pursuant to the rule.

SUBJECT AREA TO BE ADDRESSED: Waterways Assistance Program rule sections: Definitions, Policy, Funds Allocation and Project Eligibility.

SPECIFIC AUTHORITY: 374.976(2) FS.

LAW IMPLEMENTED: 374.976(1)-(3) FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 11:00 a.m., October 21, 2003

PLACE: The District office, 1314 Marcinski Road, Jupiter, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, (561)627-3386
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-21.002
Application and Selection Process for Loans	67-21.003
Applicant Administrative Appeal Procedures	67-21.0035
Federal Set-Aside	67-21.004
Public Policy Criteria Requirements and Qualified Resident Programs	67-21.0041
Determination of Method of Bond Sale	67-21.0045
Selection of Qualified Lending Institutions as Credit Underwriters, Originators and Servicers	67-21.005
Development Requirements	67-21.006
Fees	67-21.007
Terms and Conditions of Loans	67-21.008
Interest Rate on Mortgage Loans	67-21.009
Issuance of Revenue Bonds	67-21.010
No Discrimination	67-21.011
Advertisements	67-21.012
Private Placements of Multifamily Mortgage Revenue Bonds	67-21.013
Credit Underwriting Procedures	67-21.014
Use of Bonds with Other Affordable Housing Finance Programs	67-21.015
Compliance Procedures	67-21.016
Transfer of Ownership	67-21.017
Refundings and Troubled Development Review	67-21.018
Issuance of Bonds for 501(c)(3) Entities	67-21.019

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the Multifamily Mortgage Revenue Bond (MMRB) Program authorized by Section 42 of the Code and Section 420.509, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to the development of the 2004 application and program requirements for the MMRB Program, as specified in Rule Chapter 67-21, Florida Administrative Code (F.A.C.).

SPECIFIC AUTHORITY: 420.507, 420.508 FS.

LAW IMPLEMENTED: 420.502, 420.503, 420.507, 420.508, 420.509 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: Following the Board Meeting at a time to be announced at the conclusion of the Board Meeting, October 9, 2003

PLACE: Tallahassee City Hall, Commission Chambers, 891 South Adams Street, Tallahassee, Florida 32301

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact: Jean Salmonsens, (850)488-4197. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS available on Florida Housing's web site www.floridahousing.org.

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-39.002
Guarantee Program	67-39.0025
Feasibility Studies	67-39.003
Eligibility Criteria for Qualified Obligations	67-39.004
Required Submissions for Qualified Lending Institutions	67-39.0045
Fees and Rates	67-39.005
Contractual Provisions of Qualified Obligation Documents	67-39.006
Reimbursable Costs	67-39.008
Program Documents	67-39.010
Guarantee Program	67-39.011
Guarantee Coverage	67-39.012
Guarantee Program Payments	67-39.014
Audit Requirement	67-39.015

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall administer its provision of credit enhancement through the Florida Affordable Housing Guarantee Program (Guarantee Program) authorized by Section 420.5092, Florida Statutes (F.S.).

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to the development of the program requirements for the Guarantee Program, as specified in Rule Chapter 67-39, Florida Administrative Code (F.A.C.).

SPECIFIC AUTHORITY: 420.507(25), 420.5092(4) FS.

LAW IMPLEMENTED: 420.5092 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: Following the Board Meeting at a time to be announced at the conclusion of the October 9, 2003 Board Meeting

PLACE: Tallahassee City Hall, Commission Chambers, 891 South Adams Street, Tallahassee, Florida 32301

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact: Donna Light, (850)488-4197. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Junious D. Brown III, Director of Asset Management and Guarantee Program, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON FLORIDA HOUSING'S WEB SITE www.floridahousing.org

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Purpose and Intent	67-48.001
Definitions	67-48.002
Application and Selection Procedures for Developments	67-48.004
Applicant Administrative Appeal Procedures	67-48.005
Compliance and Reporting Requirements	67-48.006
Fees	67-48.007
SAIL General Program Procedures and Restrictions	67-48.009
Additional SAIL Application Ranking and Selection Procedures	67-48.0095
Terms and Conditions of SAIL Loans	67-48.010
Sale, Refinancing or Transfer of a SAIL Development	67-48.0105
SAIL Credit Underwriting and Loan Procedures	67-48.012
SAIL Construction Disbursements and Permanent Loan Servicing	67-48.013
HOME General Program Procedures and Restrictions	67-48.014
Match Contribution Requirement for HOME Allocation	67-48.015
Eligible HOME Activities	67-48.017
Eligible HOME Applicants	67-48.018
Eligible and Ineligible HOME Development Costs	67-48.019

Terms and Conditions of Loans for

HOME Rental Developments 67-48.020

Sale or Transfer of a HOME Development 67-48.0205

HOME Credit Underwriting and Loan Procedures 67-48.021

HOME Disbursements Procedures and Loan Servicing 67-48.022

Housing Credits General Program Procedures and Requirements 67-48.023

Qualified Allocation Plan 67-48.025

Housing Credit Underwriting Procedures 67-48.026

Tax-Exempt Bond-Financed Developments 67-48.027

Carryover Allocation Provisions 67-48.028

Extended Use Agreement 67-48.029

Sale or Transfer of a Housing Credit Development 67-48.030

Termination of Extended Use Agreement and

Disposition of Housing

Credit Developments 67-48.031

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall: (1) administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the State Apartment Incentive Loan (SAIL) Program authorized by Section 420.5087, Florida Statutes (F.S.), and the HOME Investment Partnerships (HOME) Program authorized by Section 420.5089, Florida Statutes; and (2) administer the Application process, determine Housing Credit (HC) amounts and implement the provisions of the Housing Credit Program authorized by Section 42 of the Code and Section 420.5099, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to (1) the development of the 2004 application and program requirements for the SAIL, HOME, HC Programs, as specified in Rule Chapter 67-48, Florida Administrative Code (F.A.C.), and (2) amendments to the Florida Housing Finance Corporation's 2003 Qualified Allocation Plan (QAP).

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.5087, 420.5089, 420.5099 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: Following the Board Meeting at a time to be announced at the conclusion of the Board Meeting, October 9, 2003

PLACE: Tallahassee City Hall, Commission Chambers, 891 South Adams Street, Tallahassee, Florida 32301

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact: Jean Salmonsens, (850)488-4197. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kerey Carpenter, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

THE PRELIMINARY TEXT OF THE PROPOSED RULE
DEVELOPMENT IS available on Florida Housing's web site
www.floridahousing.org.

Section II

Proposed Rules

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLES:	RULE NOS.:
Certificates of Authority	3F-5.0015
Termination of a Preneed Sales Agent	3F-5.0035
Procedures for Licensing a New Cemetery	3F-5.004
Procedure for Licensing Transferred Cemeteries	3F-5.006
Request for Additional Information – Applications	3F-5.008
PURPOSE AND EFFECT: The Board proposes to amend these rules to update the language and remove any obsolete language.	

SUMMARY: Rule 3F-5.0015, F.A.C., sets out the criteria for corporations using corporate agents to obtain a certificate of authority and sets out requirements for sales of preneed contracts; Rule 3F-5.0035, F.A.C., sets out requirements for termination of a preneed sales agent; Rule 3F-5.004, F.A.C., sets out procedures for Licensing a New Cemetery; Rule 3F-5.006, F.A.C., sets the procedures for licensing transferred cemeteries; and Rule 3F-5.008, F.A.C., sets out requirements for submission of additional information in conjunction with application for licensing of new cemeteries, transferred cemeteries and for conversion procedures.

SUMMARY OF STATEMENT OF ESTIMATED
REGULATORY COST: No Statement of Estimated
Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 497.103 FS.

LAW IMPLEMENTED: 497.201, 497.209, 497.237, 497.245, 497.337, 497.405(3), 497.439(9) FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A NOTICE OF HEARING DATE WILL BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY. (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD):

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, FL 32399-0350

THE FULL TEXT OF THE PROPOSED RULES IS:

3F-5.0015 Certificates of Authority.

~~(1) No person or entity may sell a preneed contract for burial or funeral services, merchandise, or cash advances that does not have a valid certificate of authority.~~

(1)~~(2)~~ No change.

(2)~~(3)~~ through (2)(b) No change.

Specific Authority 497.103 FS. Law Implemented 497.405(3) FS. History—
New 10-15-95, Amended _____.

3F-5.0035 Termination of a Preneed Sales Agent.

Within thirty (30) days of any termination of any registered preneed sales agent, the certificateholder shall give written notice to the Department. The notice may be submitted in writing, electronically, or vial facsimile, and shall contain:

(1) through (3) No change.

Specific Authority 497.103 FS. Law Implemented 497.439(9) FS. History—
New 5-29-94, Amended_____.

3F-5.004 Procedures for Licensing a New Cemetery.

(1) through (j) No change.

(k) Shown compliance with Rule 3F-5.009, F.A.C.,
Regulatory Standards for Evaluating Applications by the
Board.

(2) through (3) No change.

Specific Authority 497.103 FS. Law Implemented 497.201, 497.237, 497.245, 497.337 FS. History—New 9-29-75, Amended 6-21-77, 6-21-78, 11-2-78, 1-27-81, Formerly 3D-30.15, Amended 10-23-91, Formerly 3D-30.015, Amended 12-8-98, 6-26-02.

3F-5.006 Procedure for Licensing Transferred Cemeteries.

(1) through (2)(a) No change.

(b) Copy of certificate of good standing, if applicable;
articles of incorporation;

(c) through (d) No change.

(e) Completion Of An Application To Transact Cemetery Business, Form DBF-CEM 1/96 REV 7/01, ~~DBF F-33~~, effective September 28, 2003, ~~October 23, 1991~~, which is hereby incorporated by reference in Rule 3F-5.010, F.A.C. Form DBF-CEM 1/96 REV 7/01 ~~F-33~~ shall be accompanied by a license fee based on the cemeteries' last fiscal year sales pursuant to Section 497.213, F.S.; ~~Florida Statutes~~;

(f) through (3) No change.

(4) Investigation. The Department shall investigate the following conditions:

(a) Character, reputation, financial standing, and business qualifications ~~and motives~~ of the new proponents;

(b) through (5) No change.

(6) Denial of License. If the department intends to deny an application, the provisions of Chapter 120, F.S., shall prevail. If the application is denied, written notice thereof will be given to the applicant and upon written request for a hearing thereon received within 21 days after receipt of notice of denial, a hearing may be held. Such hearing will be conducted in accordance with Chapter 120, Florida Statutes, and Chapter 28-6 of the Model Rules of Procedure.

(7) All forms herein are available by mail from The Department of Banking and Finance, Division of Finance, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

Specific Authority 497.103 FS. Law Implemented 497.201(1), 497.209 FS. History—New 9-29-75, Amended 11-2-78, 1-27-81, Formerly 3D-30.17, Amended 10-23-91, Formerly 3D-30.017, Amended 9-18-01, 6-26-02, _____.

3F-5.008 Request for Additional Information – Applications.

Rules 3F-5.004, ~~3F-5.005~~, 3F-5.006, 3F-5.007, and 3F-5.009, F.A.C., provide methods, procedures and supporting documentation for the licensing of new cemeteries, ~~existing cemeteries~~, transferred cemeteries and for conversion procedures. All information the applicant wants to present in order to support the application should be submitted with the original filing. The required exhibits in the application forms are not intended to limit the applicant's presentation of any of the requirements, but merely represent the minimum information to be filed. Additional information must be submitted within sixty (60) days after a request therefor if specifically requested by the department within thirty (30) days after receipt of the application. Failure to respond to such request within sixty (60) days after the date of the request will be construed by the department and the Board of Funeral and Cemetery Services as grounds for denial of an application in accordance with the provisions of Section 120.60(2), F.S., and the file may be closed, unless good cause is shown that it remain open. Should the file be closed pursuant to these provisions, the applicant shall be duly notified. (See subsections 3-3.012(1)(a) and (3), F.A.C.)

Specific Authority 497.103 FS. Law Implemented 120.60(2), 497.201(2)(a), 497.209 FS. History—New 12-22-81, Formerly 3D-30.29, 3D-30.029, Amended 6-26-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Funeral and Cemetery Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral and Cemetery Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 27, 2002

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLE: _____ RULE NO.: _____

Wholesale Purchase Price 3F-7.006

PURPOSE AND EFFECT: The Board proposes to amend this rule to further clarify the language.

SUMMARY: This rule requires the COA to set wholesale purchase prices for items to be provided by the COA for the year and, using those figures, the COA is required to deposit funds in a merchandise trust funds pursuant to Section 497.417(1), F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 497.103 FS.

LAW IMPLEMENTED: 497.337, 497.417 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A NOTICE OF HEARING DATE WILL BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, FL 32399-0350

THE FULL TEXT OF THE PROPOSED RULE IS:

3F-7.006 Wholesale Purchase Price.

(1) through (2)(b) No change.

(c) Invoices and other documentation used to establish the listed wholesale purchase price shall be maintained by the certificateholder at the cemetery.

Specific Authority 497.103 FS. Law Implemented 497.337, 497.417 FS. History—New 3-1-90, Formerly 3D-30.035, Amended 5-27-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Funeral and Cemetery Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral and Cemetery Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 27, 2002

DEPARTMENT OF INSURANCE**Division of Workers' Compensation**

RULE TITLE:

RULE NO.:

Benefits and Administration Trust Fund

Penalties Improper Filing Practices

4L-24.0231

PURPOSE, EFFECT AND SUMMARY: The purpose and effect of the proposed language is to state that late filing penalties apply to late filed electronic and paper submissions, and establishes criteria regarding the determination of whether a first report of injury or illness electronic filing submitted to the Division is timely.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 440.13(11)(b), 440.185, 440.591, 440.593(5) FS.

LAW IMPLEMENTED: 440.13(11)(b), 440.185(9), 440.20(8)(a) FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10:30 a.m., Tuesday, October 28, 2003

PLACE: Room 104J, Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gregory Jenkins, Chief, Bureau of Monitoring and Audit, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4224, (850)488-6241

THE FULL TEXT OF THE PROPOSED RULE IS:

4L-24.0231 Benefits and Administration Trust Fund Penalties Improper Filing Practices.

(1)(a) Failure to timely file, by electronic or paper submission, legible and complete forms, reports, or documents as required by Chapter 440, Florida Statutes, Chapter 4L-3, F.A.C., or other Division rules implementing Chapter 440, Florida Statutes, shall subject the party required to file such form, report or document to assessment by the Division of a civil penalty. For purposes of this rule, a paper form, report or document is timely filed when it is postmarked and mailed prepaid prior to the expiration of the time periods prescribed in this rule, and Chapter 4L-3, F.A.C. For purposes of this rule, if

disability is immediate and continuous for 8 or more calendar days after the injury, an electronic equivalent of a First Report of Injury or Illness will be considered timely filed with the Division when it is received by the Division on or before the 21st day after the carrier's knowledge of the injury and is assigned an acknowledgement code of Transaction Accepted (TA). If the first 7 days of disability are nonconsecutive or delayed, the electronic equivalent of a First Report of Injury or Illness will be considered timely filed with the Division when it is received by the Division on or before the 13th day after the 8th day of disability and is assigned an acknowledgement code of Transaction Accepted (TA). Penalties shall be assessed as follows:

(b) No change.

Specific Authority 440.13(11)(b), 440.185, 440.591, 440.593(5) FS. Law Implemented 440.13(11)(b), 440.185(9), 440.20(8)(a) FS. History--New 8-29-94, Amended 5-14-95, 6-4-97, 11-28-01, Formerly 38F-24.0231, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dan Sumner, Deputy Division Director, Division of Workers' Compensation, Department of Financial Services.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tanner Holloman, Division Direction, Division of Workers' Compensation, Department of Financial Services.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 15, 2003

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

PUBLIC SERVICE COMMISSION

DOCKET NO. 030714-EI

RULE TITLE:

RULE NO.:

Electric Utilities Dismantlement Studies

25-6.04364

PURPOSE AND EFFECT: The purpose of this rule is to set forth the requirement for determination of the annual dismantlement accrual, for filing dismantlement studies, and for information to be included in the studies.

SUMMARY: The rule requires the filing of a dismantlement study at least once every four years and also sets forth the information to be included in the study.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 350.127(2), 350.115 FS.

LAW IMPLEMENTED: 366.041, 366.06(1) FS.

Written comments or suggestions on the proposed rule may be submitted to: FPSC, Division of the Commission Clerk and Administrative Services, within 21 days of the date of this notice for inclusion in the record of the proceeding.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Christiana T. Moore, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULE IS:

25-6.04364 Electric Utilities Dismantlement Studies.

(1) Each utility that owns a fossil fuel generating unit is required to establish a dismantlement accrual as approved by the Commission to accumulate a reserve that is sufficient to meet all expenses at the time of dismantlement. The purpose of the study required by (3) is to obtain sufficient information to update cost estimates based on new developments, additional information, technological improvements, and forecasts; to evaluate alternative methodologies; and to revise the annual accrual needed to recover the costs.

(2) For the purpose of this rule, the following definitions shall apply:

(a) “Contingency Costs.” A specific provision for unforeseeable elements of cost within the defined project scope.

(b) “Dismantlement.” The process of safely managing, removing, demolishing, disposing, or converting for reuse the materials and equipment that remain at the fossil fuel generating unit following its retirement from service and restoring the site to a marketable or useable condition.

(c) “Dismantlement Costs.” The costs for the ultimate physical removal and disposal of plant and site restoration, minus any attendant gross salvage amount, upon final retirement of the site or unit from service.

(3) Each utility shall file a dismantlement study for each generating site once every 4 years from the submission date of the previous study unless otherwise required by Commission order. The study shall be site-specific unless a showing is made by the utility that a site-specific study is not possible. A utility may file a study sooner than 4 years. Each utility’s dismantlement study shall include:

(a) A narrative describing each fossil fuel generating unit, including the in-service date and estimated retirement date.

(b) A list of all entities owning an interest in each generating unit and the percentage of ownership by each entity.

(c) The dismantlement study methodology.

(d) A summary of the major assumptions used in the study.

(e) The methodology selected to dismantle each generating unit and support for the selection.

(f) The methodology and escalation rates used in converting the current estimated dismantlement costs to future estimated dismantlement costs and supporting documentation and analyses.

(g) The total utility and jurisdictional dismantlement cost estimates in current dollars for each unit.

(h) The total utility and jurisdictional dismantlement cost estimates in future dollars for each unit.

(i) For each year, the estimated amount of dismantlement expenditures.

(j) The projected date each generating unit will cease operations.

(k) For each site, a comparison of the current approved annual dismantlement accruals with those proposed. Current accruals shall be identified as to the effective date and proposed accruals to the proposed effective date.

(l) A summary and explanation of material differences between the current study and the utility’s last filed study including changes in methodology and assumptions.

(m) Supporting schedules, analyses, and data, including the contingency allowance, used in developing the dismantlement cost estimates and annual accruals proposed by the utility. Supporting schedules shall include the inflation analysis.

(4) The dismantlement annual accrual shall be calculated using the current cost estimates escalated to the expected dates of actual dismantlement. The future costs less amounts recovered to date shall then be discounted in a manner that accrues the costs over the remaining life span of the unit.

(5) Dismantlement accruals shall be recorded monthly to assure that the costs for dismantlement have been provided for at the time the production unit or site ceases operations.

(6) A utility shall not establish a new annual dismantlement accrual, revise its annual dismantlement accrual, or transfer a dismantlement reserve without prior Commission approval.

(7) The annual dismantlement accrual shall be a fixed dollar amount and shall be based on a 4-year average of the accruals related to the years between the dismantlement study reviews.

(8) The accumulated dismantlement reserve and accruals shall be maintained in a subaccount of Account 108 "Accumulated Depreciation" and separate from the accumulated depreciation reserve and expenses. Subsidiary records shall include sufficient detail to allow for separate site or unit reporting.

Specific Authority 350.127(2), 350.115 FS. Law Implemented 366.041, 366.06(1) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Pat Lee

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 16, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 29, No. 8, February 21, 2003

DEPARTMENT OF CORRECTIONS

RULE TITLE:

Canteen Operations

RULE NO.:

33-203.101

PURPOSE AND EFFECT: The purpose of the proposed rule is to delete obsolete language from the rule. The effect is to remove reference to the Inmate Welfare Trust Fund which was abolished by Senate Bill 954 (2003).

SUMMARY: The proposed rule removes reference to the Inmate Welfare Trust Fund which was abolished by Senate Bill 954 (2003).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 20.315, 944.09, 945.215 FS.

LAW IMPLEMENTED: 20.315, 944.09, 945.215, 946.002 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

~~33-203.101 Inmate Welfare Trust Fund and Canteen Operations.~~

~~(1) through (2) No change.~~

~~(3) Budgeting and Disbursement of Inmate Welfare Trust Funds.~~

~~(a) Disbursements from the Inmate Welfare Trust Fund must meet the test of providing for the greatest need of the greatest number of inmates.~~

~~(b) Inmate welfare trust funds shall be budgeted and disbursed exclusively:~~

~~1. To purchase items for resale at the inmate canteens or vending machines maintained at the correctional facilities;~~

~~2. To employ personnel and inmates to manage, supervise, and operate the canteens and vending machines at the correctional facilities;~~

~~3. For operating and fixed capital expenses associated with the operation of inmate canteens and vending machines;~~

~~4. To employ personnel to manage and supervise the proceeds from telephone commissions;~~

~~5. To employ personnel for correctional education to provide literacy programs, vocational training, and academic programs that comply with standards of the Department of Education;~~

~~6. For operating and fixed capital expenses associated with the delivery to inmates of literacy programs, vocational training programs, and academic programs that comply with standards of the Department of Education;~~

~~7. For operating and fixed capital expenses associated with the operation of inmate chapels, libraries, and visiting pavilions;~~

~~8. To employ personnel to operate the libraries, chapels, and visiting pavilions;~~

~~9. For expenses associated with various inmate clubs;~~

~~10. For expenses associated with legal services for inmates;~~

~~11. To develop, implement and maintain the medical copayment accounting system;~~

~~12. To employ personnel to provide inmate substance abuse treatment and transition and life skills training programs; and~~

~~13. For operating and fixed capital expenses associated with the delivery of inmate substance abuse treatment and transition and life skills training programs.~~

~~(e) Expenditures for items listed in subparagraphs 5. through 13. above are categorized as inmate benefit program expenditures. Expenditures for correctional education programs in subparagraphs 5. and 6. must exceed the total of all other inmate benefit program expenditures.~~

~~(4) Monies collected from employee activities will not be processed through the Inmate Welfare Trust Fund. Monies from the Inmate Welfare Trust Fund will not be disbursed to employee clubs or for employee benefits.~~

~~(5) All orientation programs for new inmates will contain an explanation of the Inmate Welfare Trust Fund and its use to the inmate.~~

~~(6) Inmate Welfare Trust Fund Procedures.~~

~~(a) Department wide. The Office of Administration shall develop procedures to govern the operation of Inmate Welfare Trust Fund activities.~~

~~(b) Institutional Level: Service center support staff are responsible for overseeing the operation of Inmate Welfare Trust Fund canteen operations.~~

(7) through (8) renumbered (3) through (4) No change.

~~(5)(9)~~ Inmate Salaries. An inmate may receive compensation from the General Revenue Inmate Welfare Trust Fund if the inmate is actually performing canteen or canteen support functions. The monthly rate of pay shall not exceed \$75.00.

(10) through (11) renumbered (6) through (7) No change.

~~(8)(12)~~ All material shortages of inventory or money at the canteens or money from the Inmate Welfare Trust Fund will be formally investigated by local investigators immediately upon determining that a shortage exists. A formal investigation must include the appointment of an investigating officer and the preparation of records reflecting all aspects of the investigation, including the placement of responsibility for the shortage where possible. If the report reflects negligence on the part of an employee or inmate, the Regional Director or warden will recoup the shortage from that person or persons. If the investigation and any subsequent action does not result in recoupment of the shortage, the report will be forwarded to the Inspector General in Central Office for further disposition. Disciplinary action will be taken against inmates found to be negligent. All minor shortages, that is, those which can be recovered from the operator's salary, shall be investigated to the extent necessary to satisfy both the canteen operator and the business office staff as to the apparent cause of the shortage.

Specific Authority 20.315, 944.09, 945.215 FS. Law Implemented 20.315, 944.09, 945.215, 946.002 FS. History--New 1-20-86, Formerly 33-3.035, Amended 11-22-91, 5-25-95, 11-13-95, 5-28-96, 2-12-97, Formerly 33-3.0035, Amended 11-18-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rhonda Vause

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 12, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 22, 2003

DEPARTMENT OF CORRECTIONS

RULE TITLE: Offender Classification System

RULE NO.: 33-302.107

PURPOSE AND EFFECT: The purpose and effect of the proposed rule repeal is to delete an obsolete rule.

SUMMARY: The rule being repealed has become obsolete due to adoption of new system which systematically generates assessments, reassessments and supervision levels in the offender database.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 948.015, 948.12 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-302.107 Offender Classification System.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 948.015, 948.12 FS. History--New 8-28-01, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tina Hayes

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2003

DEPARTMENT OF CORRECTIONS

RULE TITLE: Mental Health Treatment Facilities –
Administrative Confinement

RULE NO.: 33-404.206

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete reference to an obsolete form.

SUMMARY: The proposed rule deletes reference to an obsolete form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 944.09, 945.49 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.35, 945.48, 945.49 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-404.206 Mental Health Treatment Facilities – Administrative Confinement.

(1) No change.

(2) When an inmate is placed in administrative confinement status for reasons outlined in Rule 33-602.220 F.A.C., the Senior Correctional Officer shall communicate the reasons for such placement to the senior mental health professional on duty who may recommend any additional supervision, observation or other treatment requirements for the inmate. The Senior Correctional Officer shall record any additional requirements ~~in on the Offender Based Information System (OBIS) electronic classification log Report of Administrative Confinement Form DC6-233a~~. Staff shall be advised of any additional supervision or observation requirements and record this information in the inmate's treatment chart and the Daily Record of Segregation Form DC6-229. Form ~~DC6-233a~~ and DC6-229 ~~has have~~ been incorporated by reference into subsection 33-602.220(10), F.A.C.

(3) through (4) No change.

Specific Authority 944.09, 945.49 FS. Law Implemented 20.315, 944.09, 944.35, 945.48, 945.49 FS. History—New 11-3-85, Formerly 33-23.13, Formerly 33-23.013, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Paula J. Hoisington

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 8, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 22, 2003

DEPARTMENT OF CORRECTIONS

RULE TITLE: Copying Services for Inmates

RULE NO.: 33-501.302

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify circumstances under which inmates will be provided with copying services.

SUMMARY: The proposed rule sets forth the circumstances and procedures for providing inmates with copying services.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-501.302 Copying Services for Inmates.

(1) No change.

(2) Documents will be copied only if they are necessary to initiate a legal or administrative action or if they must be filed or served in a pending action. Except as otherwise provided in this rule, the number of copies made shall be the number required to be filed and served according to the rules of the court or administrative body, or required per order of the court or administrative body, plus: one additional copy shall be made for the inmate to keep if the original is filed or served.

(a) Copying services shall not be provided to make copies of Form DC6-236, Inmate Request, or Form DC1-303, Request for Administrative Remedy or Appeal, attachments that are a continuation of the request portion of Form DC6-236, or attachments that are a continuation of part A of Form DC1-303. However, inmates shall be provided copying services for documents to be attached to Forms DC6-236, Inmate Request, and DC1-303, Request for Administrative Remedy or Appeal, as accompanying evidentiary material. The number of copies made shall not exceed three.

(b) Title 42, United States Code, Section 1983, civil rights complaints filed into federal district courts.

1. Inmates shall be provided a copy for the inmate if the original must be filed with the court, and one copy for each named defendant if the complaint names five or fewer defendants.

2. If more than five defendants are named in the complaint, the inmate shall only be made one file copy to keep if the original complaint must be filed with the court. No copies shall be made to serve defendants until the inmate presents a court order indicating that the complaint is not being dismissed pursuant to Title 28, United States Code, Section 1915, and directs that specific defendants must be served with a copy. The law library shall then make the inmate the number of copies needed to serve all the defendants.

~~(c)(b)~~ Cases, statutes, and other reference materials are not evidentiary materials and will not be copied to accompany legal documents unless the inmate is required to provide such copies by law, court rule, or court order.

(3) Inmate requests for copying services shall be submitted on Form DC5-154, Copying Service Request and Withdrawal. Form DC5-154 and the documents to be copied shall be submitted to the Law Library Supervisor for approval. The law library supervisor may inspect an inmate's documents to ensure that the material to be copied is of a legal or administrative nature and is in accordance with the reason the inmate provided for needing the copies; however, the law library supervisor shall not read the documents. Form DC5-154 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

~~(4)(3)~~ No change.

(5)(4) Inmates who are without funds shall not be denied copying services for documents and accompanying evidentiary materials needed to initiate a legal or administrative action or must be filed or served in a pending action that challenges convictions and sentences or prison conditions, or are required per order of the court or administrative body. Copying services shall not be denied inmates unable to pay for copies; However, the cost of providing copies is a debt owed by the inmate that shall be collected as follows: At the time the inmate submits his request for copies, the department business office shall place a hold on the inmate's account for the estimated cost of providing the copies. The cost of providing the copies shall be collected from any existing balance in the inmate's bank trust fund account. If the account balance is insufficient to cover the cost, the account shall be reduced to zero. If costs remain unpaid, a hold will be placed on the inmate's account and all subsequent deposits to the inmate's account will be applied against the unpaid costs until the debt has been paid. Copies shall be provided at a rate of \$0.15 per page. When an inmate has insufficient funds in his account to pay for copies, the number of copies provided shall not exceed three copies per page, except when additional copies are legally required. The inmate shall be responsible for proving that copies in addition to the routine maximum are legally necessary.

(6) Inmates shall not be provided copying services for legal or administrative proceedings that do not relate to a challenge of convictions or sentences, or to challenges of prison conditions unless they have sufficient funds in their inmate trust account to cover the complete cost of making the copies.

~~(7)(5)~~ The law library supervisor ~~librarian~~ may require an inmate for whom copies are to be made to seal the copies, except for his file copy, in envelopes and mail them immediately. This requirement, if imposed, shall be explained

to the inmate before copies are made. Before the envelopes are sealed and mailed, the librarian or mail collection representative shall stamp the document(s) to be mailed and the inmate's copy, if provided by the inmate, "Provided to (name of institution) on (blank to insert date) for mailing." The mail collection representative shall then have the inmate initial the document(s) next to the stamp.

Specific Authority 20.315, 944.09 945.04 FS. Law Implemented 20.315, 944.09 945.04 FS. History--New 10-6-83, Formerly 33-3.051, Amended 6-13-88, 8-20-89, 2-12-91, 4-10-94, 4-21-96, 6-29-98, Formerly 33-3.0051, Formerly 33-602.405, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Allen Overstreet

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 9, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 22, 2003

DEPARTMENT OF CORRECTIONS

RULE TITLE: Meritorious Gain Time

RULE NO.: 33-601.102

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to allow award of meritorious gain time for assistance to law enforcement agencies under specified circumstances.

SUMMARY: The proposed rule provides for the award of meritorious gain time for assistance to law enforcement agencies under specified circumstances.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 20.315, 944.09, 944.275 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.275 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.102 Meritorious Gain Time.

(1) Eligibility. An inmate who is otherwise eligible for meritorious gain time may be recommended by the warden for up to 60 days gain time when he has performed an outstanding deed such as:

(a) through (b) No change.

(c) Assisting law enforcement agencies by providing relevant information for investigations or participating in requested activities that may result in arrest or prosecution, when recommended by the state attorney or law enforcement agency and when such would be in accordance with the rehabilitative interests of the inmate.

(2) through (3) No change.

Specific Authority 20.315, 944.09, 944.275 FS. Law Implemented 20.315, 944.09, 944.275, FS. History—New 2-26-80, Formerly 33-11.09, Amended 1-12-83, 1-31-85, 10-7-85, 4-28-87, 4-17-94, Formerly 33-11.009, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Paula J. Hoisington

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: September 15, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: August 29, 2003

DEPARTMENT OF CORRECTIONS

RULE TITLE:

Inmate Drivers

RULE NO.:

33-601.605

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete provisions allowing inmates to drive state vehicles to transport inmates in a work release program in accordance with Senate Bill 278, and to delete obsolete program language.

SUMMARY: The proposed rule deletes provisions allowing inmates to drive state vehicles to transport inmates in a work release program in accordance with Senate Bill 278, and deletes references to the commercial vehicle driving vocational program which is no longer offered by the department.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 322.03, 322.04, 322.15, 944.09 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.605 Inmate Drivers.

(1) Definitions.

(a) through (b) No change.

~~(c) Commercial Vehicle Driving Vocational Program—a vocational program designed to prepare inmates for employment as tractor trailer or truck drivers. Instruction will include 1000 miles of road driving under the supervision of a qualified commercial vehicle driver prior to completion of the program. Road driving activities will include experience on two lane, four lane, interstate and city streets and highways. Twenty percent or more of the experience will occur at night on both wet and dry roads.~~

(d) through (e) renumbered (c) through (d) No change.

(2) License Requirements for Inmate Drivers.

~~(a)~~ Any inmate who operates a ~~work release center~~ vehicle for paid employment purposes must have the required a valid Florida Driver's License.

~~(b)~~ No inmate will be authorized to operate a vehicle that qualifies as a commercial motor vehicle without a valid Florida Commercial Driver's License.

(3) Selection Criteria for WRC Paid Employment Inmate Drivers.

(a) through (b) No change.

(c) The inmate must be in community ~~minimum~~ custody and have proven his or her trustworthiness by performing in an outside minimum custody assignment ninety days prior to his or her selection.

(d) through (e) No change.

(4) The classification officer considering an inmate as a work release center paid employment driver shall review the inmate's driving history utilizing the Kirkman Data Center database. Questions or concerns regarding the Kirkman Data Center database are to be directed to the work release coordinator in the Bureau of Classification and Central Records for resolution.

(5) Prior to driving a department vehicle, a WRC paid employment inmate driver must be authorized in writing by the approving authority.

(6) Obtaining licenses for non-licensed paid employment inmate drivers.

(a) When an inmate who does not have a valid Florida Driver's License on file is assigned as a WRC paid employment inmate driver, the classification officer shall contact the nearest DHSMV Driver's License Office by telephone and arrange for the license examination.

(b) No change.

(c) Routine fees for driver's examinations, licenses and renewals will be paid by ~~the work release center where the inmate is assigned at the time the fee is incurred.~~ Any

additional costs to obtain a driver's license will be the financial responsibility of the inmate and will be paid directly to the DHSMV Driver's License Office.

(d) No change.

(7)(a) Issuance of WRC Paid Employment Inmate Driver's Licenses. The correctional officer working in the control room shall issue the license ~~and the keys~~ to the inmate upon departure from the work release center, and shall ensure that the license ~~is and the keys are~~ returned to the control room upon the inmate's return to the work release center ~~at the end of his or her driving duty shift~~. The correctional officer in control room shall document on the control room log every time a driver's license ~~is and keys are~~ given to and received from an inmate. For security reasons, the license ~~both items~~ will be stored in the control room when not in use.

(b) The Correctional Officer in the control room will make the appropriate documentation on the Control Room Log, DC6-207, every time a driver's license ~~is and keys are~~ given to and received from an inmate. Form DC6-207 is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida, 32399-2500. Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is August 29, 2000.

(8) ~~Supervision of WRC Inmate Drivers. A correctional officer sergeant at the work release center will be assigned to ensure the inmate driver fulfills the driving duties in the prescribed manner:~~

~~(a) The responsibilities of the assignment will be thoroughly explained to the inmate and the inmate will be required to sign the Inmate Driver Agreement Form, DC6-116. Form DC6-116 is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is August 29, 2000.~~

~~(b) The sergeant shall thoroughly familiarize the inmate with the route(s) he or she is to follow and shall accompany the inmate on his or her first run of the route. If, after one run, the correctional officer sergeant believes the inmate is not familiar enough with the route, the correctional officer sergeant shall continue to accompany the inmate on the route until the inmate is familiar enough with the route to drive it by himself.~~

~~(c) The inmate driver is restricted to authorized transportation duties only, shall not be permitted to drive for any non department business duties, and shall not be required to drive a department vehicle for more than 12 hours per every 24 hour period. Under no circumstances will the inmate be permitted to operate a vehicle outside of the state.~~

~~(d) If any inmate is involved in an accident with a department vehicle, the shift supervisor at the work release center will notify the Florida Highway Patrol so that they can investigate the accident. If an inmate driver receives a traffic citation or is involved in an accident, the inmate's driving privileges will be immediately suspended pending a review by the approving authority. Reinstatement as an inmate driver will require written authorization by the approving authority.~~

~~(8)(e)~~ The sergeant at the work release center shall review each paid employment inmate's driver's license at least quarterly to ensure that the license is still valid and no traffic infractions (citations) have occurred since the inmate was authorized to drive. Should the license be invalid or any new traffic infractions (citations) discovered, notice shall be given to the approving authority who shall reassess the inmate's authorization to drive. The approving authority shall, in writing, advise the correctional officer major or classification officer at the work release center whether the inmate is to remain a paid employment ~~an~~ inmate driver.

~~(f) A department vehicle will be assigned to only one inmate at a time. The vehicle will be searched and inspected at the beginning and conclusion of the assigned inmate's driving duty shift and at each intermittent stop at the work release center for contraband and any excess mileage driven by the inmate. The correctional officer searching the vehicle shall document the search on the control room log, Form DC6-207. Any contraband or mileage infractions will be handled through the disciplinary process.~~

~~(g) Each time an inmate driver returns to the work release center a correctional officer shall conduct a physical search of the inmate for the detection of contraband and shall document the search on the control room log. An inmate found with contraband will have his or her driving privileges immediately suspended pending review by the approving authority and shall be subject to the disciplinary process.~~

(9) No change.

(10) Commercial Vehicle Driving Vocational Program.

(a) In order to qualify for the Commercial Vehicle Driving Vocational Program designed to prepare an inmate for employment as a tractor trailer or truck driver, an inmate must exhibit a safe driving record, be at least 21 years of age, comply with State and Federal licensing requirements, and be otherwise eligible pursuant to subsection (3) of this rule.

(b) An inmate who does not have a valid Florida Driver's License on file shall be permitted to obtain his driver's license in order to participate in the Commercial Vehicle Driving Vocational Program. The license will be obtained as described in subsection (6) of this rule. The inmate will be required to purchase the license and Commercial Driver's License (CDL) at his own expense and pay such fees to the DHSMV Driver's License Office.

(c) Under no circumstances will an inmate be permitted to operate the tractor trailer or truck outside of the state.

~~(d) An inmate will be authorized to retain his CDL on his person only when necessary for that specific part of the program which requires driving. When not in use, the driver's license and the keys to the vehicle shall be returned to the instructor for safe storage. Under no circumstances will an inmate be permitted to complete the field training part of the program that occurs outside the parameters of an institution without proper supervision and the accompaniment of a skilled professional.~~

Specific Authority 944.09, 945.091 FS. Law Implemented 20.315, 322.03, 322.04, 322.15, 944.09, 945.091 FS. History—New 8-29-00, Amended 1-1-01,

NAME OF PERSON ORIGINATING PROPOSED RULE:

Paula J. Hoisington

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 12, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 29, 2003

DEPARTMENT OF CORRECTIONS

RULE TITLE:

Inmate Telephone Use

RULE NO.:

33-602.205

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify requirements for attorney/client calls, restrictions on third party or shared calls, and to provide for the use of telephone devices for the deaf.

SUMMARY: The proposed rule clarifies requirements for attorney/client calls, restrictions on third party or shared calls, and provides for the use of telephone devices for the deaf.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.205 Inmate Telephone Use.

(1) This ~~rule subsection~~ sets forth the minimum telephone privileges that shall be granted to inmates housed in institutions or facilities other than community correctional centers, or

inmates housed on death row. All inmate calls, with the exception of those calls placed to attorneys pursuant to paragraph (3)(a) shall be subject to monitoring and recording. Due to the high level of security needs on death row, the only telephone privileges available to death row inmates are those set forth in paragraph (3)(a), private calls to attorneys, and subsection (4), calls made in the event of family crisis.

(2) Inmate telephone procedures will be conducted as follows:

(a) To initiate telephone privileges, inmates shall complete Form DC6-223, Inmate Telephone Agreement and Number List. Each inmate is limited to no more than 10 names and numbers of persons he or she wishes to access. Inmates shall not be allowed to telephone any person not on this list except as outlined in paragraph (3)(a) and subsection (4) of this rule. Inmates shall not make three-way telephone calls nor make calls to numbers on the list which are then transferred to other telephone numbers ~~not on the list~~.

(b) through (j) No change.

(k) Records and recordings of monitored calls shall be kept in an area where staff access is controlled. Records and recordings of monitored calls shall be retained for a minimum of one year. Access to records and recordings shall be limited to the following persons:

1. through 2. No change.

3. Regional directors or designees;

4. through 5. No change.

6. Correctional officer senior inspectors;

7. Inspector supervisors;

8. The correctional officer inspector of each institution.

(l) No change.

(3) Calls to attorneys.

(a) Inmates shall be allowed to make private telephone calls to attorneys upon presentation to the warden or his designee of evidence that the call is necessary. Such evidence shall be a letter from the attorney (transmission by FAX is acceptable) requesting the return call or a court order containing a deadline the inmate cannot meet if he must communicate by letter with the attorney. An attorney shall also be permitted to make prior arrangements by letter or FAX with the warden or warden's designee to have the inmate client receive a private telephone call from the attorney on an unmonitored telephone. Except as authorized by warrant or order of court, telephone calls to attorneys made pursuant to this section shall not be monitored or electronically recorded. These calls will be placed on telephones designated for this purpose and shall be collect calls; there shall be at least one telephone at each institution that is not connected to the monitoring system for these calls.

(b) No change.

(4) through (11) No change.

(12) Misuse of telephone privileges.

(a) No change.

(b) Inmates shall be subject to having telephone privileges restricted or revoked for abuse of telephone communication services. Examples of abuse include:

1. through 4. No change.

5. Making three-way telephone calls. This includes calls that are placed and then transferred to another telephone number of a person not on the approved calling list. The telephone system automatically detects any such call and blocks the number from the inmate's telephone list.

a. The warden or assistant warden shall have the authority to reinstate the blocked number after the warden or assistant warden has determined that there was no illicit intent and after advising the party that further occurrences will not be tolerated.

b. The warden or assistant warden shall notify the contractor's on-site staff of the reinstatement of any blocked telephone number on an inmate's telephone list.

c. Any subsequent violations of the three-way call prohibition will result in a permanent block being placed on the telephone number involved.

6. through 7. No change.

8. Speaking in an unidentifiable code;

9. Sharing calls or placing calls for another inmate and allowing him or her to converse with a party not on that inmate's approved list.

(c) through (13) No change.

(14) Telephone devices for the deaf.

(a) Each institution shall have at least one telephone device for the deaf.

(b) Usage of telephone devices for the deaf shall be limited to thirty minutes per call.

(c) Inmates who can hear, but wish to call persons who are deaf or hearing impaired must provide or cause to be provided documentation that the person being called is deaf or hearing impaired. This documentation shall be used only for the purpose of verifying the need for use of telephone devices for the deaf or hearing impaired. The following documentation will be considered acceptable and will be placed in the inmate's institutional file and marked confidential:

1. Letter from the person's medical doctor stating the impairment;

2. Letter from the Social Security Administration recognizing the impairment.

(d) All inmates using telephone devices for the deaf will be informed, before the call is made, that the call will be monitored.

(e) The tape used by the telephone device will be removed after each call and provided to the institutional inspector for review.

(f) The telephone device for the deaf will be utilized in an office in the classification department. Its use will be requested utilizing Form DC6-236, Inmate Request, and coordinated with the inmate's classification officer. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(15)(14) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History--New 11-19-81, Formerly 33-3.125, Amended 11-21-86, 1-6-92, 3-24-97, 7-22-97, 12-21-98, Formerly 33-3.0125, Amended 2-7-00, 6-18-02, 2-4-03,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Randy Agerton

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 15, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 29, 2003

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Managed Care and Health Quality

RULE TITLES:

Emergency Care

RULE NO.:

59A-3.255

PURPOSE AND EFFECT: The Agency proposes to amend Rule 59A-3.255, Florida Administrative Code, consistent with provisions of s. 395.1041, F.S. The statutes provide for development of rules regarding specific criteria involving access to emergency services and care.

SUMMARY: The proposed amendments to this rule establish criteria for hospitals operating an emergency department located other than on the hospital campus, requirements for reporting emergency services provided by a hospital, and the requirements for filing a request for exemption from the requirement to provide emergency services 24 hours per day, 7 days per week and for notifying the Agency of conditions changing the justification for the exemption.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 395.1055 FS.

LAW IMPLEMENTED: 395.1041 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., September 22, 2003

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, FL 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bill McCort, Bureau of Health Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida, (850)487-0641

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-3.255 Emergency Care.

(1) SIGNAGE REQUIREMENTS.

(a) Each hospital offering emergency services and care shall post, in a conspicuous place in the emergency service area, a sign clearly stating a patient's right to emergency services and care as set forth in Section 395.1041, F.S. The sign shall be posted in both English and in Spanish.

(b) Each hospital offering emergency services and care shall post a sign identifying the service capability of the hospital. The categories of services listed on the sign may be general in nature if the sign refers patients to another location within that facility where a list of the subspecialties is available. The sign identifying the service capability of the hospital and the additional listing of subspecialties, if a separate subspecialty list is maintained, shall be in both English and in Spanish.

(c) The signs required by this rule section shall be posted in a location where individuals not yet admitted to the hospital would reasonably be expected to present themselves for emergency services and care.

(2) TRANSFER PROCEDURES. Each hospital providing emergency services and care shall establish policies and procedures ~~that which~~ incorporate the requirements of Chapter 395, F.S., relating to emergency services. The policies and procedures shall incorporate at a minimum:

(a) Decision protocols identifying the emergency services personnel within the hospital responsible for the arrangement of outgoing and incoming transfers;

(b) Decision protocols stating the conditions that must be met prior to the transfer of a patient to another hospital. These conditions are:

1. If a patient, or a person who is legally responsible for the patient and acting on the patient's behalf, after being informed of the hospital's obligation under Chapter 395, F.S., and of the risk of transfer, requests that the transfer be effected; or

2. If a physician has signed a certification that, based upon the reasonable risks and benefits to the patient, and based upon the information available at the time of transfer, the medical benefits reasonably expected from the provision of appropriate medical treatment at another hospital outweigh the increased risks to the individual's medical condition from effecting the transfer; or

3. If a physician is not physically present in the emergency services area at the time an individual is transferred, a qualified medical person may sign a certification that a physician with

staff privileges at the transferring hospital, in consultation with such personnel, has determined that the medical benefits reasonably expected from the provision of appropriate medical treatment at another medical facility outweigh the increased risks to the individual's medical condition from effecting the transfer. The certification shall summarize the basis for such determination. The consulting physician must sign the certification within 72 hours of the transfer.

(c) A provision providing that all medically necessary transfers shall be made to the geographically closest hospital with the service capability, unless another prior arrangement is in place or the geographically closest hospital is at service capacity as stated in subsection 395.1041(3)(e), F.S.

(d) Protocols for maintaining records of patient transfers made or received for a period of five years. Patient transfer information shall be incorporated separately in transfer logs and into the patient's permanent medical record as stated in subsection 395.1041(4)(a)1., F.S.

(e) Documentation of all current transfer arrangements that have been made with other hospitals and physicians.

(f) A copy of Section 395.1041, F.S., Access to Emergency Services and Care, and a copy of these rules.

(g) Provisions for informing hospital emergency services personnel and medical staff of the hospital's emergency service policies and procedures, having at a minimum, the requirement to provide emergency services and care pursuant to Section 395.1041, F.S.

(3) OFF-SITE EMERGENCY DEPARTMENTS. A hospital operating an emergency department located other than on the hospital campus shall meet all of the criteria in this section and Chapter 395.1041, Florida Statutes, required of that hospital's on-site emergency department. This criteria includes, but is not limited to:

(a) Inspection by the agency's Office of Plans and Construction prior to occupancy;

(b) Meeting all state and federal emergency access requirements including transfer to the nearest hospital with capability to treat the patient;

(c) Accreditation, consistent with the hospital's accreditation;

(d) The provision of emergency services equal to the services provided at the hospital's on-site emergency department, 24 hours per day, 7 days per week. Actual services may be provided at the off-site emergency department or via transport to the on-site emergency department or hospital. Transportation from the off-site emergency department to hospital's main campus must be provided by the hospital and not rely on the local community EMS system. All services provided by on-call physicians must be available to patients that present at the off-site emergency department as well as the hospital's on-site emergency department.

(e) Outdoor signage must clearly identify the off-site emergency department as an emergency department of the hospital.

(4)(3) INVENTORY REPORTING.

(a) Pursuant to Section 395.1041, F.S., the agency is responsible for compiling an inventory of hospitals with emergency services. This inventory shall list all services within the service capability of the hospital. ~~A copy of this inventory may be obtained by contacting the Agency for Health Care Administration, Division of Health Quality Assurance, Ft. Knox Office Building, 2727 Mahan Drive, Tallahassee, Florida. The per page duplication cost will be computed in accordance with Chapter 119, F.S.~~

(b) Every hospital offering emergency services and care shall report to the agency using AHCA Form 3130-8008, December 2002, for inclusion in the emergency services inventory those services that which are within the service capability of the hospital. The following services, when performed on an infrequent and short time limited basis, are not considered to be within the service capability of the hospital:

1. Services performed for investigative purposes under the auspices of a federally approved institutional review board; or
2. Services performed for educational purposes; or
3. Emergencies performed by physicians who are not on the active medical staff of the reporting hospital.

(c) Any addition of service shall be reported to the agency prior to the initiation of the service. The agency will act accordingly to include the service in the next publication of the inventory and to add the service on the face of the hospital license.

(d) If the agency has reason to believe that a hospital offers a service and the service was not reported on the inventory, the agency will notify the hospital and provide the hospital with an opportunity to respond.

1. The agency shall arrange for an on-site visit prior to the agency's determination of capability, with advance notice of the on-site visit.

2. If, after investigation, the agency determines that a service is offered by the hospital as evidenced by the patient medical records or itemized bills, the agency shall amend the inventory and the face of the hospital license.

(e) As services are added or changed, and at the time of the license renewal, each hospital is responsible for updating the inventory of emergency services using the AHCA Form 3130-8008, December 2002. A renewal license will not be issued if the hospital fails to submit a current emergency service inventory with the renewal application.

(f) A copy of the emergency services inventory may be obtained by interested parties by contacting the Agency for Health Care Administration, Hospital & Outpatient Services

Unit, Mail Stop #31, 2727 Mahan Drive, Tallahassee, Florida 32308. The per page duplication, mailing and staff costs will be computed in accordance with Chapter 119, F.S.

(5)(4) EXEMPTIONS.

(a) Every hospital providing emergency services shall ensure the provision of services within the service capability of the hospital, 24 hours per day, 7 days per week either directly or indirectly through:

1. An agreement with another hospital made prior to receipt of a patient in need of the service; or
2. An agreement with one or more physicians made prior to receipt of a patient in need of the service; or
3. Any other arrangement made prior to receipt of a patient in need of the service.

~~(b) If a hospital that has determined that it is unable to provide a service on a 24 hour per day, 7 day per week basis, either directly or indirectly through arrangement with another hospital or physician(s), the hospital must file an request for service exemption application with the agency to request a service exemption. The application must identify the service for which the hospital is requesting an exemption. This information shall be submitted to the agency on AHCA Form 3000-1, August 2003, effective July 1993, that which is incorporated by reference and available from the Agency for Health Care Administration, Hospital and Outpatient Services Unit, Division of Health Quality Assurance Mail Stop #31, Ft. Knox Office Building, 2727 Mahan Drive, Tallahassee, Florida 32308. The agency will make a determination of exemption status pursuant to the procedures in paragraph (5) of this rule and notify the hospital of the determination within 45 days of receipt of the request.~~

(c) Upon receipt of a hospital exemption request, the agency must act to approve or deny the exemption request within 45 days, during which time deemed exemption status does not exist. If the agency fails to notify the hospital of the status of the exemption request within the 45-day time frame, the hospital is deemed to be exempt from offering the service until such time that the agency acts to deny the request.

(d) When a hospital has been providing 24 hour per day, 7 day per week coverage either directly or indirectly through an agreement with another hospital or physician(s) for a specialty service as evidenced by the inventory and hospital license, and the circumstances significantly change such that the hospital can no longer provide the service on a 24 hour per day, 7 day per week basis, the hospital must apply for an exemption from the agency. ~~The agency will make a determination of exemption status pursuant to paragraph (5) of this rule and notify the hospital of the determination within 45 days of receipt of the request.~~

(e) When a hospital has been granted an exemption from providing a specialty service 24 hours per day, 7 days per week, either directly or indirectly through an agreement with another hospital or physician(s), and the agency has

information to indicate that the circumstances forwarded by the hospital, and accepted by the agency, as the basis for the granting of the exemption have changed, the agency will notify the hospital of this information and shall provide the hospital with an opportunity to respond. If the change in circumstances is confirmed and the hospital failed to report the change, the agency will amend the inventory accordingly and add the service capability to the face of the hospital license accordingly. Revocation of exemption status shall be effective upon the expiration of 21 days following the hospital's receipt of the agency decision or the entry of a final order if appealed.

(f) Each hospital shall immediately report any change in the conditions ~~that which~~ led to the granting of an exemption.

(g) If approved by the agency, an exemption request, AHCA Form 3000-1, August 2003, must be completed and resubmitted to the agency biennially with each license renewal or with any change of ownership application. Each resubmission must fully justify the continuation of the exemption to include but not be limited to:

1. Detailed description of all efforts that have been made to obtain the necessary coverage;

2. List of current credentialed providers providing the exempt services on staff of the hospital;

3. Number of times the service has been performed in the emergency room during the time period the exemption has been in effect;

4. The number of patients who received the service on an inpatient basis in the hospital during the time period the exemption has been in effect;

5. The number of emergency transfers for that particular service that have been made to other facilities during the time period the exemption has been in effect for the requested exempt service;

6. Failure to provide an exemption request renewal will result in the emergency service being required of the hospital.

~~(6)(5)~~ AGENCY REVIEW PROCESS. The review process for exemption requests shall be as follows:

(a) Upon receipt of a completed exemption request application, the agency shall schedule an on-site visit at the hospital when deemed necessary to verify the facts as set forth in the application. The hospital will be notified of the date of the visit in advance. The agency shall have access to all records necessary for the confirmation and substantiation of the information submitted in the application and to any other records deemed necessary by the agency to make a determination.

(b) Upon receipt of an application, the agency shall publish, in the next available Florida Administrative Weekly, notice of receipt of the application, identifying the applicant and the service(s) for which exemption is requested. Comments submitted within 15 days of the date of publication will be considered by the agency prior to making a determination of exemption status.

(c) Within 45 days of receipt of application, the agency shall determine if the hospital has demonstrated that it meets the requirements for service exemption set forth in Section 395.1041, F.S. The agency shall notify the applicant in writing of its decision, and shall provide the applicant with specific reasons in the event that the request is denied.

(d) If the agency fails to notify the hospital of the status of the exemption request within the required 45 day time frame, pursuant to Section 395.1041(3)(d)4., F.S., the hospital is deemed to be exempt from offering the service until such time that the agency acts to deny the request.

~~(7)(6)~~ EMERGENCY SERVICE DELIVERY REQUIREMENTS.

(a) Every hospital offering emergency services and care shall provide emergency care ~~available~~ 24 hours a day within the hospital to patients presenting to the hospital. At a minimum:

1. Emergency services personnel shall be available to ensure that emergency services and care are provided in accordance with Section 395.002(9), F.S.

2. At least one physician shall be available within 30 minutes through a medical staff call roster; initial consultation through two-way voice communication is acceptable for physician presence.

3. Specialty consultation shall be available by request of the attending physician or by transfer to a designated hospital where definitive care can be provided.

(b) When a patient is transferred from one hospital to another, all pertinent medical information shall accompany the patient being transferred.

(c) Every hospital offering emergency services and care shall maintain a transfer manual, ~~that which~~ shall include in addition to the requirements in paragraph (2) of this Section:

1. Decision protocols for when to transfer a patient;

2. A list of receiving hospitals with special care capabilities, including the telephone number of a contact person;

3. A list of all "on-call" critical care physicians available to the hospital, including their telephone numbers; and

4. Protocols for receiving a call from a transferring hospital, including:

a. Requirements for specific information regarding the patient's problem;

b. Estimated time of patient arrival;

c. Specific medical requirements;

d. A request to transfer the patient's medical record with the patient; and

e. The name of the transporting service.

(d) Both transferring and receiving hospitals shall assign a specific person on each shift who shall have responsibility for being knowledgeable of the transfer manual and maintaining it.

(e) Each hospital offering emergency services and care shall maintain written policies and procedures specifying the scope and conduct of emergency services to be rendered to patients. Such policies and procedures must be approved by the organized medical staff, reviewed at least annually, revised as necessary, dated to indicate the time of last review, and enforced. Such policies shall include requirements for the following:

1. ~~A Direction of the emergency department by a designated physician who is a member of the organized medical staff directing the emergency department;~~

2. A defined method of providing for a physician on call at all times.

3. ~~Supervision of the care provided by all nursing service personnel with the emergency department by~~ A designated registered nurse who is qualified by relevant training and experience in emergency care ~~to supervise the care provided by all nursing service personnel within the emergency department;~~

4. A written description of the duties and responsibilities of all other health personnel providing care within the emergency department.

5. ~~A planned formal training program on emergency access laws, and~~ Participation by all health ~~care~~ personnel working in the emergency department ~~through a planned formal training program on emergency access laws;~~

6. A control register ~~adequately~~ identifying all persons seeking emergency care ~~to be established, and that a medical record be maintained and on every patient seeking emergency care that is incorporated into the patient's permanent medical record along with and that a copy of the patient care record as defined in subsection 64E-2.001(15) Florida EMS Report, HRS 1894, as required by Rule 10D-66.060, F.A.C., be included in the medical record;~~ if the patient was delivered by ambulance. The control register must be continuously maintained and shall include at least the following for every individual seeking care:

- a. Identification to include patient name, age and sex;
- b. Date, time and means of arrival;
- c. Nature of complaint;
- d. Disposition; and
- e. Time of departure.

(f) Every hospital offering emergency services and care shall have a method for assuring that a review of emergency patient care is performed and documented at least monthly, using the medical record and pre-established criteria.

(g) Every hospital offering emergency services and care shall insure the following:

1. That clinical laboratory services with the capability of performing all routine studies and standard analyses of blood, urine, and other body fluids are readily available at all times to the emergency department.

2. That an adequate supply of blood is available at all times, either in-hospital or from an outside source approved by the organized medical staff, and that blood typing and cross-matching capability and blood storage facilities are readily available to the emergency department.

3. That diagnostic radiology services within the service capability of the hospital are readily available at all times to the emergency department.

4. That the following are available for immediate use to the emergency department at all times:

- a. Oxygen and means of administration;
- b. Mechanical ventilatory assistance equipment, including airways, manual breathing bag, and ventilator;
- c. Cardiac defibrillator with synchronization capability;
- d. Respiratory and cardiac monitoring equipment;
- e. Thoracenteses and closed thoracostomy sets;
- f. Tracheostomy or cricothyrotomy set;
- g. Tourniquets;
- h. Vascular cutdown sets;
- i. Laryngoscopes and endotracheal tubes;
- j. Urinary catheters with closed volume urinary systems;
- k. Pleural and pericardial drainage set;
- l. Minor surgical instruments;
- m. Splinting devices;
- n. Emergency obstetrical pack;
- o. Standard drugs as determined by the facility, common poison antidotes, syringes and needles, parenteral fluids and infusion sets, and surgical supplies;
- p. Refrigerated storage for biologicals and other supplies requiring refrigeration, within the emergency department; and
- q. Stable examination tables.

~~(8)(7)~~ COMMUNICATIONS Each hospital offering emergency services and care shall have the capability to communicate via two-way radio with licensed EMS providers and their primary communications centers. The two-way radio communications system must meet the following provisions:

(a) Conform to the State EMS Communications Plan applicable to emergency room or department communications; and

(b) Any new communications system or an expansion of an existing communication system shall be approved by the EMS Communications, State Technology Office, Department of Management Services, Division of prior to purchasing.

Specific Authority 395.1031, 395.1041, 395.1055, 401.024 FS. Law Implemented 395.1031, 395.1041, 395.1055 FS. History--New 9-4-95, Formerly 59A-3.207, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bill McCort, Bureau of Health Facility Regulation, Division of Health Quality Assurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, MD, FAFP, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 11, 2002

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Dental Services
RULE NO.: 59G-4.060

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Dental Services Coverage and Limitations Handbook, October 2003, the revised Florida Medicaid Reimbursement Handbook, Dental 111, October 2003, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, October 2003. The effect will be to incorporate by reference in the rule the current Florida Medicaid Dental Services Coverage and Limitations Handbook, October 2003, the Florida Medicaid Reimbursement Handbook, Dental 111, October 2003, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, October 2003. The rule text references the Florida Medicaid Reimbursement Handbook, CMS-1500, as being incorporated by reference in Rule 59G-4.001, F.A.C. Rule 59G-4.001, F.A.C. is in the rulemaking process; we expect it to be final prior to this rule being adopted.

SUMMARY: The purpose of this rule amendment is to incorporate by reference in the rule the revised Florida Medicaid Dental Services Coverage and Limitations Handbook, October 2003, the revised Florida Medicaid Provider Reimbursement Handbook, Dental 111, October 2003, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, October 2003. The coverage and limitation handbook revisions include global HIPAA language, the elimination of adult dentures, modifications in procedure code and claim form combinations due to HIPAA, policy to reflect new dental procedure codes, and updated fee schedules effective October 2003. The revised reimbursement handbooks include updated information for the completion and filing of Medicaid claims and prior authorization requests.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.912 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 9:00 a.m., October 20, 2003

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Millard Howard, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7328

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.060 Dental Services.

(1) No change.

(2) All dental services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Dental Services Coverage and Limitations Handbook, October 2003 ~~March 2003~~, and the Florida Medicaid Provider Reimbursement Handbook, Dental 111, October 2003 ~~February 2001~~, which are incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS HCFR-1500 ~~and Child Health Check-Up 221~~, which is incorporated by reference in Rule 59G-4.001 ~~59G-5.020~~, F.A.C. All ~~three~~ handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.912 FS. History—New 7-10-80, Amended 2-19-81, 10-27-81, 7-21-83, Formerly 10C-7.523, Amended 9-11-90, 11-3-92, Formerly 10C-7.0523, Amended 6-29-93, Formerly 10P-4.060, Amended 7-19-94, 7-16-96, 3-11-98, 10-13-98, 12-28-98, 6-10-99, 4-23-00, 4-21-01, 7-5-01, 2-20-03, 8-5-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Millard Howard

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, MD

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 29, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 14, 2003

DEPARTMENT OF MANAGEMENT SERVICES

Florida Commission on Human Relations

RULE TITLES: General Information
RULE NO.: 60Y-2.005

PURPOSE AND EFFECT: The rule section provides for general information about the commission organization and procedures.

SUMMARY: An amendment is proposed to the current proposed rule subsection 60Y-2.005(5), F.A.C., to recognize the Commission's authority to allow filing by electronic means other than facsimile.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory cost, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 760.06 (12) FS.

LAW IMPLEMENTED: 760.06, 120.54 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. (EDT), Friday, October 17, 2003

PLACE: The Commission's Main Conference Room, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Florida Commission on Human Relations, Attn: Jim Tait, Staff Attorney, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301 or call (850)488-7082, Ext. 1071

THE FULL TEXT OF THE PROPOSED RULE IS:

60Y-2.005 General Information.

(1) through (4) No change.

(5) All complaints, petitions and appeals from Commission action may be filed electronically with the Commission by facsimile or such other electronic method approved by the Commission, ~~with the Commission. The original physically signed document shall be sent the same day by US Mail or other official delivery agent.~~ The party who elects to file a document by electronic transmission shall be responsible for any delay, disruption, or interruption of the electronic signals and must accept full risk that the document may not be properly filed with the Commission as a result. The filing date for an electronically transmitted document shall be the date the Commission receives the complete document. All complaints may be sent by facsimile to the Manager of Customer Service at (850)488-5291. All petitions and appeals from Commission action may be sent by facsimile to the Clerk at (850)487-4957.

Specific Authority 760.06(12) FS. Law Implemented 120.54, 760.06 FS. History—New 11-2-78; Formerly 22T-6.05, 22T-6.005, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: William James Tait, Jr.

NAME OF SUPERVISOR WHO APPROVED THE PROPOSED RULE: Cecil Howard

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2003

DEPARTMENT OF MANAGEMENT SERVICES

Florida Commission on Human Relations

RULE TITLE: RULE NO.:

Definitions 60Y-3.001

PURPOSE AND EFFECT: The rule subsections provide for definitions of disability and electronic filing.

SUMMARY: Amendments propose clarifying changes to several definitions contained in proposed Rule 60Y-3.001, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory cost, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 760.06(12), 760.11(14), 760.32(5), 120.54 FS.

LAW IMPLEMENTED: 760.03, 760.05, 120.53, 120.533, 120.54 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. (EDT), Friday, October 17, 2003

PLACE: The Commission's Main Conference Room, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Florida Commission on Human Relations, Attn: Jim Tait, Staff Attorney, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301 or call (850)488-7082 x 1071

THE FULL TEXT OF THE PROPOSED RULE IS:

60Y-3.001 Definitions.

As used in the rules of the Commission:

(13) "Disability" means a condition that is an impairment that substantially limits one or more of the major life activities as interpreted by 42 U.S.C. § 12102(2) and cases construing the term "disability" under the Americans with Disabilities Act of 1990.

(30) "Electronic filing" pursuant to subsection 60Y-2.005(5), F.A.C., means filing by facsimile or such other electronic method approved by the Commission.

Specific Authority 760.06(12) FS. Law Implemented 92.525, 760.02, 760.03, 760.04, 760.05, 760.06, 760.10, 760.11 FS. History—New 11-2-78, Formerly 22T-7.01, 22T-7.001, Amended 8-12-85, 9-1-93, 4-17-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: William James Tait, Jr.

NAME OF SUPERVISOR WHO APPROVED THE PROPOSED RULE: Cecil Howard.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 16, 2003

the licensee's licensure to practice surveying and mapping shall be lifted and the license shall remain in suspended status unless and until a further stay is granted by the Board.

(e) Should the licensee's licensure to practice surveying and mapping be suspended or otherwise placed on inactive status, or if the licensee leaves the practice of surveying and mapping for thirty (30) days or more, the probation period shall be tolled and shall resume running at the time the licensee reactivates the license or returns to the active practice of surveying and mapping, and the licensee shall then serve the time remaining in the term of probation.

(f) The licensee's licensure to practice surveying and mapping shall be suspended for the period of probation, with the suspension stayed for the period of probation. The time of the suspension and the stay shall run concurrently with the period of probation, except as provided otherwise in the Final Order. If the licensee successfully completes probation, the suspension shall terminate. If the licensee fails to comply with the requirements set forth in this rule or in the Final Order or fails to make satisfactory appearances as determined by the Board, the stay shall be lifted. Once the stay is lifted, the license shall remain in suspended status unless and until a further stay is granted by the Board.

Specific Authority 455.227(2), 472.008 FS. Law Implemented 455.227(2), 472.033(2) FS. History—New.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Surveyors and Mappers

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Professional Surveyors
and Mappers

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 17, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 18, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE TITLE: Survey Review

RULE NO.:

61G17-9.007

PURPOSE AND EFFECT: The Board is amending this rule to clarify the steps required for a licensee on probation to complete and regain active license status, and to add that either a surveying and mapping consultant or a Board member may review and evaluate surveys provided by the probationer.

SUMMARY: This rule sets out the out the procedure for a licensee on probation to complete and regain license status.

SUMMARY OF STATEMENT OF ESTIMATED
REGULATORY COST: No Statement of Estimated
Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 472.008 FS.

LAW IMPLEMENTED: 472.033(2)(e) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A NOTICE OF HEARING DATE WILL BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY. (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD):

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Northwood Centre, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G17-9.007 Survey Review.

(1) A licensee on probationer required to submit surveys for review shall:

(a) Perform six (6) surveys, for or without compensation, within thirty days of the time required by the Board in its final order;

(b) Within thirty days of the date on which the surveys are performed, submit to the Board office signed and sealed surveys of the properties surveyed, along with a copy of the relevant field notes, the relevant full size record plat, all measurement and computational records, and all other documents necessary to a full and complete understanding of the survey;

(c) Upon receipt of the signed and sealed surveys and other documents by the Board, either a surveying and mapping consultant selected by the Board or a member of the Board shall conduct a review of the surveys supplied by the licensee and provide an evaluation report to the Board for review, with all costs associated with said review and report paid to the consultant or the Board by the licensee;

~~(d)(e)~~ Attend the Probation Committee meeting at which the surveys are to be reviewed;

~~(e)(d)~~ Repeat (a)-(d)(e) once if required by the Probation Committee at the meeting where the surveys are reviewed and discussed.

(2) After the first survey review, the Probation Committee will either:

(a) Release the probationer from the terms of the final order if the probationer has complied with all of its terms and if the reviewed surveys are found to meet or exceed minimum levels of competency; or

(b) Require a second set of surveys for review as contemplated by (1)~~(e)(d)~~; or

(c) Lift the stay on the suspension of license if the reviewed and discussed surveys do not meet or exceed minimum levels of competency.

(3) After any second survey review, the Probation Committee will either:

(a) Release the probationer from the terms of the final order if the probationer has complied with all of its terms and if the reviewed surveys are found to meet minimum levels of competency; or

(b) Lift the stay on the suspension of license if they do not meet minimum levels of competency and refer the reviewed and discussed surveys to the Department for possible further disciplinary action. If the stay is lifted, the license shall remain in suspended status until the probationer takes and passes both parts of the Florida jurisdictional examinations if they do not meet minimum levels of competency.

Specific Authority 472.008 FS. Law Implemented 472.033(3)(e) FS. History—New 12-25-95, Amended 10-1-97, 5-17-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Professional Surveyors and Mappers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2003

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

Section III

Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

RULE NO.:

4-164.020

RULE TITLE:

Valuation of Life Insurance Policies

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 34, August 22, 2003, of the Florida Administrative Weekly. These changes are being made in response to written comments received during the comment period.

Subparagraph 1. of Paragraph (a) of Subsection (1) is changed to read:

1. Tables of select mortality factors, identified as Appendix to Rule 4-164.020, F.A.C., which is hereby adopted and incorporated by reference, and rules for their use; The remainder of the rule reads as previously published.

DEPARTMENT OF INSURANCE

RULE NO.:

4-193.065

RULE TITLE:

Continuing Care Contracts; Forms Incorporated by Reference

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 18, May 2, 2003, of the Florida Administrative Weekly.

Form OIR-A3-477, Minimum Liquid Reserve Calculation, has been amended to address concerns expressed by the Joint Administrative Procedures Committee. The revision date of Form OIR-A3-477 in paragraph (1)(m) of Rule 4-193.065 has been changed to July 3.

The remainder of the rule reads as previously published.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.:

40C-1.603

RULE TITLE:

Fees

NOTICE OF CHANGE

Notice is hereby give that the following change has been made to the proposed rule in accordance with subparagraph 120.54(d)(1), F.A.C., published in Vol. 29, No. 28, of the Florida Administrative Weekly, on July 11, 2003. This change is being made to address testimony and evidence received at the public hearing held on September 9, 2003.

40C-1.603 Fees.

A fee is required and shall be paid to the District when certain applications or petitions are filed pursuant to District rules or permit programs delegated to the District. Effective October 1, 1990, governmental entities shall be required to submit the fees established except as provided in subsection (13). This fee recovers some of the District's costs of processing applications. The fee schedule is:

(13) Pursuant to Section 218.075, F.S., the District shall, for each fiscal year beginning October 1st and ending September 30th, reduce all permit application fees to \$100, or, if a permit application fee is less than \$100, by 50 percent, for

any county, municipality, or third party under contract with a county or municipality, to apply for a permit on the county or municipality's behalf, which qualifies under this subsection. A county, municipality, or third party as described above, may apply to reduce the permit application fees by submitting form 40C-1.603(13) entitled "Request to the St. Johns River Water Management District to Reduce Permit Application Fees," effective (effective date), which is hereby incorporated by reference and which can be obtained from St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, for each fiscal year certifying:

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: RULE TITLE:
40C-2.051 Exemptions

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(d)(1), F.A.C., published in Vol. 29, No. 28, of the Florida Administrative Weekly, on July 11, 2003. This change is being made to address testimony and evidence received at the public hearing held on September 9, 2003.

40C-2.051 Exemptions.

No permit shall be required under the provisions of this rule or Chapters 40C-20 or 40C-22, F.A.C., for the following water uses:

(2) Those uses for which certification has been obtained pursuant to the provisions of the Florida Electrical Power Plant Siting Act or the Statewide Multipurpose Hazardous Waste Facility Siting Act.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:
59G-4.130 Home Health Services

NOTICE OF CORRECTION

A Notice of Change was published on the above reference rule in Vol. 29, No. 37, September 12, 2003, issue of the Florida Administrative Weekly. The title of the proposed rule was incorrectly stated as Provider Requirements. The correct title of the proposed rule is Home Health Services. The foregoing change does not affect the substance of the proposed rule. The person to be contacted regarding the proposed rule is Kay Aloï, Bureau of Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7330.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry and Licensing Board

RULE NO.: RULE TITLE:
61G4-15.003 Public Liability

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 36, issue of the Florida Administrative Weekly. The change is in compliance with the instructions of the full Board who voted and approved the changes at a public hearing held on September 12, 2003.

The change is as follows:

the deletion of Response Action Specialty Contractor and Traditional Thatched Structure Contractor from the listing in paragraph (2)(h).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-1039

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: RULE TITLE:
61J2-3.008 Pre-licensing Education for Broker and Sales Associate Applicants

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., F.S., originally published in Vol. 29, No. 11, March 14, 2003, issue of the Florida Administrative Weekly. The changes are pursuant to the orders of the Florida Real Estate Commission and for the purpose of publishing the specific text changes to the rule as amended and proposed by the Florida Real Estate Commission.

61J2-3.008 Pre-licensing Education for Broker and Sales Associate Salesperson Applicants.

(1) Any pPersons desiring to become licensed as a real estate sales associate salesperson must satisfactorily complete the Commission-prescribed educational course prescribed by the Commission and designated as Course I. This course will consist of ~~a minimum~~ of 63 ~~classroom~~ hours of 50 minutes each, inclusive of examination, in the basic fundamentals of real estate principles and practices, basic real estate ~~law~~, and ~~real estate~~ license law. This rule sets forth the ~~The~~ course approval criteria and procedure ~~are found in paragraph (6) of this rule.~~

(2) Any licensed sales associate salesperson desiring to become licensed as a broker must satisfactorily complete the Commission-prescribed educational course prescribed by the Commission and designated as Course II. This course will consist of ~~a minimum~~ of 72 ~~classroom~~ hours of 50 minutes each, inclusive of examination, in the fundamentals of real estate appraising, investment, financing, and plus brokerage operations and management operations. ~~The course approval criteria and procedure are found in paragraph (6) of this rule.~~ ~~Each salesperson must, as a prerequisite to registering for~~

Course II, have been licensed as an active salesperson for a period of not less than 6 months. The six-month active period is not applicable to a full-time degree-seeking student majoring in real estate at an accredited university, college or community college.

(3)(a) Accredited universities, colleges, community colleges and area technical centers in this state that offer transferable college credit courses, or real estate schools registered pursuant to Section 475.451, Florida Statutes ("school"), may offer these Commission-prescribed courses. Satisfactory completion of these courses will not entitle any person to receive a license as a real estate broker or sales associate until such person has met all other requirements of law and has passed the applicable Commission-approved state examination which DBPR administers.

(b) The school permit holder, permitted administrative person, or permitted instructor shall must certify attendance; assure classroom control, assure necessary equipment performance; and shall administer and certify student and course compliance prior to the end-of-course examination.

(4)(a) The Commission prescribed Course I for salesperson, or a Commission-approved course equivalent to Course I, may be taught through the use of a video tape of instruction by a currently-licensed instructor. Quality standards for the video tape and standards for classroom use of video tape instruction are detailed in Rules 61J2-3.016 and 61J2-3.017, Florida Administrative Code. The course approval criteria and procedure are found in paragraph (5) of this rule.

(b) Course content and level of instruction of a video tape course shall be the same as that contained in the Commission prescribed Course I syllabus. This Commission prescribed course is structured for sequential presentation in twenty 3-hour sessions. The first session must be conducted by "live instruction" using a permitted school instructor. In addition, whenever the video tape is not current with the latest law or real estate practice, the tape must be corrected prior to its use in the classroom or a permitted instructor must be in attendance during the affected portion of that session. The course approval criteria and procedure are found in paragraph (5) of this rule.

(c) A copy of the initial course video tape must be submitted to the Commission for review and approval at least 60 days prior to its first planned use in a classroom. After approval, subsequent changes to the course video tape must be submitted to the Commission for review and approval prior to use in a classroom.

(4)(a)(5)(a) A Satisfactory course completion is demonstrated by achieving a grade of 70% percent or higher on the Commission-prescribed Commission-prescribed end-of-course examination constitutes satisfactory course completion. The examination is administered by the applicable college, university, community college, area technical center or real estate school shall administer the examination upon completion of the classroom instruction, provided the student

has not missed However, notice of satisfactory course completion shall not be issued to any student having absences in excess of 8 classroom hours of instruction. If an applicant does not pass the licensing examination within 2 years after the successful course completion date the course is invalid for licensure.

(b) The school must submit to the Commission two complete copies of the course materials and end-of-course examination; one submission must be blind. The school must also submit a copy of the course, or access to the course, in the format in which the student will use it. A copy of the course and a copy of each form of the end of course examinations that will be distributed to students shall be submitted to the Commission for evaluation at least 60 days prior to use. The Commission will issue a status report to the course provider within 30 days after submission of the course and examinations. When delivered by distance education, the course and examination shall comply with the "Course Approval criteria" as follows:

1. Distance learning necessitates a high level of self-directed and should, therefore, require students to read, conduct research, complete timed exams and similar assignments, designed to measure the student's competency relative to the required subject matter objectives. Distance learning study must be offered on a classroom hour per classroom hour basis.

2. Schools must demonstrate that the credit hours awarded for distance learning are appropriate to the course offered. The schools may accomplish this objective by demonstrating that students engaged in distance learning have acquired the knowledge, skills, and/or competencies that are at least equivalent to those acquired by students enrolled in classroom studies. Pre-licensure courses shall not be offered by correspondence methods, except by reason of a hardship as defined by rule.

a. The school must demonstrate that the technical processes used in the delivery of the course operate correctly and the instructional strategies its use supports.

b. The school must have in place alternative plans for the provision of uninterrupted learner services and technical support in the event of primary system failure.

c. The school must have policies and technical processes in place to verify and document student identity for enrollment, course participation and course completion.

d. Course submissions shall include a detailed course time-line, and the school shall make the timeline available to students prior to enrollment.

e. The school must present evidence by means of an objective study that the stated course hours are consistent with actual hours required to complete the course.

f. The school must describe in detail, the objective method used to insure students receive only the allotted time to complete the end-of-course examinations.

g. The school must demonstrate that permitted instructors and technical staff are available during normal business hours for student assistance. Instructor and technical assistance must be made available to students and posted in a prominent location.

h. Pre-licensing courses must conform to the Course I and Course II syllabus. Courses must include learning objective for each session of the syllabus. The course school must describe the method of assessment of the student's performance periodically throughout the course of instruction.

i. End-of-course examinations shall not include aids such as, but not limited to, hint, back, or retry functionalities. The school must demonstrate that there is a reasonable method in place to prevent duplication of the end-of-course examination. Students shall not take the end-of-course examination without satisfactorily completing all sessions of the syllabus.

j. The school must require the student to submit a statement that includes, "I certify that I personally completed all assignments and have not duplicated any portion of the end-of-course examination prior to the taking of the final examination."

Thereafter, it is the responsibility of the school offering the Commission-approved courses to keep the course materials current and accurate, as changing times and laws require, and obtain approval from the Commission at least 60 days before implementing any significant changes to the course during its approval period.

Approval or denial of a the Commission-required pre-licensing course (Course I or Course II) will be based on the extent to which the course content covers the material set forth in the appropriate Commission-developed course syllabus, incorporated herein by reference, effective January 1, 2001 (Course I) and effective September 1, 1999 (Course II), incorporated herein by reference as developed by the Commission. Examinations must test the course material. If course approval is denied, The institution or school may resubmit a denied the course with the mandated changes for re-evaluation. Approval must be granted before the course and examinations may be offered. It is the responsibility of the institution or school offering the Commission-approved courses to keep the course materials current and accurate.

(c) The Commission will approve pre-licensure courses for a period of 24 months and evaluate the course for renewal, provided the school submits the renewal application no later than 90 days prior to the course expiration date. A school may grade an examination within 15 days after the expiration date of the course, provided it receives the materials prior to or on date of expiration. Schools shall notify students of course expiration date upon enrollment. Pre-licensure course materials and examinations will be approved for a 2 year period from the date of the approval. A course may not be offered after the

expiration date except for a course that is begun before the expiration date may be completed even if the completion date is after the expiration date.

(d) The institution or school shall develop at least 2 forms of the end-of-course end of course examination, and submit them which must be submitted for approval as provided in paragraph (4)(5)(b) above. Examinations must test the course material. The answer key must be unique for each form of the examination. The answer key must reference the page number(s) containing the information upon on which each question and correct answer is based. At least 70% 20% of the questions on each form of the test shall be application oriented. Application level means the ability to use the learned material in a completely new and concrete situation. It usually involves the application of rules, policies, methods, computations, laws, theories, or any other relevant and available information. No more than 10% of the questions on each form of the test shall be at the knowledge level. Knowledge level means the recall of specific facts, patterns, methods, terms, rules, dates, formulas, names, or other information that should be committed to memory. A school offering the Commission-prescribed courses must maintain a sufficient bank of questions to assure examination validity. The sales associate end-of-course examinations shall contain at least 100 items, or 2 items per instruction hour. The order of the examination questions may not follow the sequence of the course content and the item must not refer the student to the course material. The overall time to complete the end-of-course examination must not exceed the equivalent of 1.8 minutes per item.

(5)(a)(6) The institution or school offering these Commission-prescribed Commission-prescribed courses shall inform each student of the standards and requirements at the commencement of each course. Notice of course completion shall comply with be made as prescribed by the Commission in Rule 61J2-3.015, Florida Administrative Code.

(b) In all Commission-approved courses by distance education, the school and permitholder shall provide to students an address, email address and telephone number of a permitted instructor registered with such school, who shall be available to assist the students with instruction. The school shall communicate to all students the times in which the permitted instructor will be available to assist the students with instruction.

(6)(7) Students failing the Commission-prescribed end-of-course Commission-prescribed end of course examination must wait at least 30 days from the date of the original examination to re-test again take the end of course examination. Within one year of the original end of course examination, a student may re-test retake the prescribed end of course examination a maximum of one time. Otherwise, students failing the end-of-course Commission-prescribed examination must repeat the Commission-prescribed course prior to being eligible to re-take again the end-of-course end-of

~~course examination. Schools shall administer a different form of the end-of-course examination to a student that is retaking the exam or repeating the course. Students retaking the end of course examination must be administered a different form of the end of course examination.~~

~~(7)(8) Make-up Make-up classes and examinations to enable a student to take the end-of-course examination and make-up examinations due to student or family illness may not extend more than 30 days beyond the scheduled their class examination without approval from the Commission. Make-up classes must consist of the original course materials that the student missed. Make up classes must be the classes missed by the student and must consist of the original course material.~~

~~(9) These Commission prescribed courses may be offered by accredited universities, colleges, community colleges and area technical centers in this state or by real estate schools registered pursuant to s. 475.451, Florida Statutes. The course approval criteria and procedure are found in paragraph (6) of this rule. Satisfactory completion of these courses will not entitle any person to receive a license as a real estate broker or salesperson until such person has met all other requirements of law and has passed the applicable examination administered by the BPR.~~

~~(8)(10) Any active member in good standing with The Florida Bar who is otherwise qualified under the real estate license law is exempt from the Commission-prescribed Commission-prescribed prerequisite education course for licensure as a real estate sales associate salesperson. This must be noted on the application to take the salesperson's examination by affixing a copy of the applicant's current Bar card.~~

~~(9)(11) Any applicant for licensure who has received a 4-year degree in real estate from an accredited institution of higher education is exempt from the Commission-prescribed Commission-prescribed prerequisite education courses for licensure.~~

Specific Authority 475.05 FS. Law Implemented 475.04, 475.17, 475.182, 475.183, 475.451 FS. History--New 1-1-80, Amended 8-24-80, 9-16-84, Formerly 21V-3.08, Amended 7-16-86, 10-13-88, 5-20-90, 1-13-91, 7-20-93, Formerly 21V-3.008, Amended 12-13-94, 6-14-95, 8-2-95, 12-30-97, 9-1-99, 1-18-00, 11-6-00, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.:	RULE TITLE:
61J2-3.009	Continuing Education for Active and Inactive Broker and Sales Associate Licensees

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., F.S., originally published in Vol. 29, No. 11, March 14, 2003, issue of the Florida

Administrative Weekly. The changes are pursuant to the orders of the Florida Real Estate Commission and for the purpose of publishing the specific text changes to the rule as amended and proposed by the Florida Real Estate Commission.

61J2-3.009 Continuing Education for Active and Inactive Broker and Sales Associate ~~Salesperson~~ Licensees.

(1)(a) All persons holding active or inactive licenses as brokers or sales associates ~~salespersons~~ must satisfactorily complete a minimum of 14 ~~classroom~~ hours of instruction of 50 minutes each as ~~the Commission~~ has prescribed or approved ~~by the Commission~~ during each license renewal period excluding the first renewal period of their current license.

(b) The Commission may approve any specialty course, seminar or conference in the real estate practice area provided by a public or private school, firm, association, organization, person, corporation or sponsor ("provider"). "Specialty" courses on real estate practices shall consist of not more than 11 hours of instruction of 50 minutes each. The Commission will approve the course for 24 months plus the remaining period of the renewal cycle following the end of the 24 month period at which point the course will expire. A provider must submit two complete sets, including one blind copy, of course materials and end-of-course examinations to the Commission for evaluation at least 60 days prior to use and receive approval before it may offer the course examination. A copy of the course and all course materials shall be submitted to the Commission for evaluation at least 60 days prior to use. The Commission will issue a status report to the course provider within 30 days after submission of the course. Approval must be granted before the course and examinations, if required, may be offered. Approval or denial of a "specialty" course will be based on its compliance with the criteria established in Chapter 475.182(1), Florida Statutes. Thereafter, ~~it~~ it is the responsibility of the ~~provider institution or school~~ offering the Commission-approved courses to keep the course materials current and accurate, as changing times and laws require, and obtain approval from ~~notify~~ the Commission at least 60 days before implementing any significant changes to the course during its approval period.

(2)(a) The Commission-prescribed Core Law course or courses totaling 3 ~~classroom~~ hours of instruction of 50 minutes each will review and update licensees on ~~the~~ Florida real estate license law, Commission rules, and agency law, and provide an introduction to other state laws, federal laws, and taxes affecting real estate. Approval or denial of the Commission-required Core Law course will be based on the extent to which the course content covers the above-referenced subject areas. Examinations, if required, must test the course material. ~~Approval must be granted before the course and examinations may be offered.~~ If course approval is denied, the institution or school may resubmit the course, with the mandated changes for re-evaluation. ~~It is the responsibility of the institution or school offering the Commission approved~~

courses to keep the course materials current and accurate, and notify the Commission at least 60 days before implementing any significant changes to the course during its approval period.

(b) "Specialty" courses on real estate practices totaling 11 classroom hours of instruction of 50 minutes each will be prescribed or approved by the Commission. Approval or denial of a specialty course will be based on the extent to which the course content focuses on real estate issues relevant to Chapter 475, Florida Statutes. Examinations, if required, must test the course material. Approval must be granted before the course and examination may be offered. If course approval is denied, the institution or school may resubmit the course, with the mandated changes. It is the responsibility of the institution or school offering the Commission approved courses to keep the course materials current and accurate, and notify the Commission at least 60 days before implementing any significant changes to the course during its approval period.

(b)(e) A licensee who takes the 3-hour Core Law course in each year of the renewal period shall be allowed a total of 6 hours toward the 14-hour requirement. In such event, the "specialty" course hours must need total at least only 8 hours. The purpose of this paragraph is to encourage licensees to keep abreast of changes in the law by taking the Core Law course in each year of the renewal period.

(3) ~~The Commission may approve any course, seminar or conference in the real estate practice area provided by a public or private school, firm, association, organization, person, corporation or society. The course will be approved for 24 months plus the remaining period of the renewal cycle following the end of the 24 month period at which point the course will expire. A course may not be offered after the expiration date except for a course that is begun before the expiration date may be completed even if the completion date is after the expiration date.~~

(3)(4) Successfully meeting standards established for each Commission-prescribed course constitutes ~~s~~Satisfactory completion of the Commission-prescribed ~~commission prescribed~~ continuing education course or courses of classroom instruction is demonstrated by successfully meeting standards established for each Commission-prescribed course. Notice of satisfactory course completion shall only be issued to any licensee attending a minimum of 90% of each of the classroom hours of Commission-prescribed course instruction. A provider shall issue notice of satisfactory classroom course completion only to a licensee attending a minimum of 90% of each of the classroom hours of Commission-prescribed course instruction. Notice of course completion shall be as per Rule 61J2-3.015, Florida Administrative Code.

(5)(a) ~~The continuing education courses required in this rule may be taught by a Commission approved equivalent distance education course. Distance education is education that takes place when the learner is separated from the source of~~

~~instruction by time and/or distance. Such distance education course subject matter, assignment work, scholastic standards and other related requirements shall be substantially the same as the course offered by classroom instruction, having due regard however, to the different method of presentation.~~

(4)(a)(b) A grade of 80% or higher on the Commission-prescribed Satisfactory completion of the Commission-prescribed continuing education course or courses constitutes satisfactory course completion through distance education is demonstrated by achieving a grade of 80% or higher on the Commission approved course final examination prepared and administered by the Florida institution or licensed real estate school offering such distance education course. Students failing the Commission-prescribed course examination must repeat the Commission-prescribed distance education course of study prior to being eligible to retake again take the course examination, which must be a different examination from the one the student previously failed. No examination shall contain more than 20% duplication of questions ~~contained in other approved final examinations administered by the Florida institution or licensed real estate school offering the distance education course.~~

(b)(e) A copy of the distance education course materials and a copy of each form of the end of course examinations that will be distributed to students shall be submitted to the Commission for evaluation and approval at least 60 days prior to use. The provider must submit two complete sets, including one blind copy, of course materials and a minimum of five end-of-course examinations for each course to the Commission for evaluation and approval at least 60 days prior to its use shall be submitted for approval. The Commission will issue a an acknowledgement of receipt and status report to the course provider within 30 days after submission of the course and examinations. ~~Approval must be granted before the course and examinations may be offered. Thereafter, the course and examinations shall be maintained by each institution or school offering the distance education course in accordance with the Commission approved standard as subsequently modified by changing times, standards and laws. It is the responsibility of the provider institution, school or sponsor offering the Commission-approved distance education courses to keep the course material current and accurate, and notify the Commission at least 60 days before implementing any significant changes to the course during its approval period. Examinations must test the course material. If the Commission does not approve the course, the provider may resubmit the course, with the mandated changes for re-evaluation.~~

(c)(d) The objective of the distance education course of study end-of-course examination is to test fairly and reliably whether students have learned essential facts and concepts from the course. The This examination shall consist of a minimum of 30 items or, if delivered in smaller modules, the examination shall consist of a minimum of 10 items or 2 items

per instruction hour questions. All questions shall be multiple choice with 4 answer choices each. The order of the examination questions may not follow the sequence of the course content. The answer key must be unique for each form of the examination. The answer key must reference the page number(s) containing the information on which each question and correct answer is based. At least 70% of the questions on each form of the test shall be at the application level or higher. No more than 10% of the questions on each form of the test shall be at the knowledge level. The answer key must be unique for each form of the examination. Any ~~Florida institution or licensed real estate school offering the Commission-prescribed~~ Commission-prescribed continuing education course of study by distance education must maintain a sufficient bank of questions to assure examination validity when administering the examination ~~administered~~ to licensees from a common source such as a specific business, firm or family.

1. Application level means ~~is defined as~~ the ability to use the learned material in a completely new and concrete situation. It usually involves the application of rules, policies, methods, computations, laws, theories, or any other relevant and available information.

2. Knowledge level means ~~is defined as~~ recalling specific facts, patterns, methods, terms, rules, dates, formulas, names, or other information that must be committed to memory.

~~(d)(e)~~ In all Commission approved continuing education courses by distance education, the real estate school and school permitholder shall provide to students an address and telephone number of a permitted instructor registered with such school to answer inquiries. The school instructor shall post the schedule of the instructor's availability ~~be available during normal working hours each business day. Normal working hours are defined as being 9:00 a.m. to 5:00 p.m., in the appropriate time zone, Monday through Friday excluding legal holidays.~~

~~(e)(f)~~ Continuing education courses by distance education will be approved for 24 months plus the remaining period of the license renewal cycle following the end of the 24 month period at which point the course will expire. The license renewal cycles can be found in Rule 61-6.001(4) under Real Estate (Group I, Group II, Group III or Group IV). Courses may not be offered, distributed or graded after the expiration date. A provider may grade an examination within 15 days after the expiration date of the course, provided it receives the materials prior to or on date of expiration. Providers shall notify students of course expiration date upon receipt of course materials. However, a 15 day grace period beyond the expiration date will be allowed in order to grade an examination postmarked or otherwise received prior to the expiration date of the course. Students must be notified of the course expiration date upon receipt of the course materials.

~~(g)~~ When the continuing education course by distance education is in the form of a video tape, the video tape must conform to the video tape quality standards found in paragraphs (2) through (4) of Rule 61J2-3.016, Florida Administrative Code.

~~(6)~~ The Florida institution, licensed real estate school or Commission approved sponsor offering these Commission prescribed or approved courses shall inform each student of the standards and requirements at the commencement of each course by providing each student a course syllabus that clearly states the course objective(s) and explains the desired learning outcomes. At least 70% of the desired learning outcomes shall be at the application level or higher. No more than 10% of the desired learning objectives shall be at the knowledge level. Notice of course completion shall be made as prescribed by the Commission in Rule 61J2-3.015, Florida Administrative Code.

~~(5)(7)~~ Accredited universities, colleges and community colleges in this state, are technical centers, approved providers or real estate schools licensed pursuant to Section 475.451, Florida Statutes, may offer the Commission-prescribed ~~Commission-prescribed or approved specialty courses may be offered by accredited universities, colleges and community colleges in this state, area technical centers, approved sponsors or real estate schools licensed pursuant to s. 475.451, Florida Statutes.~~ Accredited universities, colleges and community colleges in this state, area technical centers or real estate schools licensed pursuant to Section 475.451, Florida Statutes, may offer the Commission-prescribed ~~The Commission prescribed~~ Core Law course or courses ~~may be offered by accredited universities, colleges and community colleges in this state, area technical centers or real estate schools licensed pursuant to s. 475.451, Florida Statutes.~~ Satisfactory completion of these courses will not entitle any person to renew a license as a real estate broker or sales associate ~~salesperson~~ until such person has met all requirements of law.

~~(6)(8)~~ Any active member in good standing with The Florida Bar and who is otherwise qualified under the real estate license law is exempt from the continuing education requirements of this rule.

~~(7)(9)~~ Of the required 14 classroom hours, a licensee may apply a maximum of 3 hours ~~may be applied~~ toward the continuing education "specialty" course hours by attending a meeting of the Commission wherein disciplinary cases are considered during a renewal cycle. Licensees must attend the entire day of disciplinary cases to receive the continuing education "specialty" credit hours. At least 7 days advance notice of the intent to attend the disciplinary case session must be given to the Education Section of the Division of Real Estate so attendance may be monitored. Failure to give advance notice may ~~will~~ result in no credit hours. A maximum of 3 hours will be allowed during a renewal cycle. A licensee may not earn any continuing education credit for attending a

~~Commission meeting as a party to a disciplinary action. Credit hours may not be earned when the licensee attends a disciplinary case session as a party to a disciplinary action.~~

(8)(10) An instructor who teaches a Commission-approved continuing education course may use the course towards the satisfactory completion of the sales associate or broker continuing education requirement on a classroom hour for classroom hour basis. However, an instructor may not claim the course more than once in a renewal cycle.

Specific Authority 455.2123, 475.01(1)(d),(e),(2), 475.05, 475.42(1)(c) FS. Law Implemented 455-2123, 475.04, 475.17, 475.182, 475.183, 475.451 FS. History—New 1-1-80, Amended 8-24-80, 10-19-83, 9-16-84, Formerly 21V-3.09, Amended 10-13-88, 6-17-91, 12-29-91, 12-8-92, 6-28-93, Formerly 21V-3.009, Amended 2-2-94, 11-13-94, 5-13-96, 12-30-97, 10-25-98, 3-7-99, 1-18-00, 9-17-00, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: RULE TITLE:
61J2-3.010 License Reactivation Education for
 Brokers and Sales Associates
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., F.S., originally published in Vol. 29, No. 11, March 14, 2003, issue of the Florida Administrative Weekly. The changes are pursuant to the orders of the Florida Real Estate Commission and for the purpose of publishing the specific text changes to the rule as amended and proposed by the Florida Real Estate Commission.

61J2-3.010 License Reactivation Education for Brokers and Sales Associates ~~Salespersons~~.

(1) Brokers and sales associates ~~salespersons~~ holding an involuntarily inactive license may only maintain this status for 2 years. The first day of this allowable 2-year ~~two-year~~ period is the first day the broker or sales associate ~~salesperson~~ failed to hold a valid and current active or voluntarily inactive license. After the second year, the broker's or sales associate's ~~salesperson's~~ right to request an active or voluntarily inactive license automatically expires.

(2) Brokers and sales associates ~~salespersons~~ wishing to reactivate an involuntary ~~their license as active or voluntarily inactive~~ license within this 2-year period must satisfactorily complete a Commission-prescribed ~~Commission-prescribed~~ educational course of instruction.

(3) A ~~When a~~ licensee may reactivate a license, which has been involuntarily inactive for 12 months or less, ~~the reactivation education requirement may be met~~ by satisfactorily completing the continuing education requirement of Rule 61J2-3.009, F.A.C. A ~~When a~~ license may reactivate a license, which has been involuntarily inactive for more than 12 ~~months~~ but less than 24 months, ~~the requirement shall be met~~

by satisfactorily completing 28 hours of a Commission-prescribed ~~Commission-prescribed~~ classroom hours of the prerequisite ~~prerequisite~~ education course for licensure as a sales associate ~~salesperson~~ (Course I). The Course I classroom ~~classroom~~ hours must be based on an approved course as set forth in Rule 61J2-3.008, F.A.C. Emphasis shall be placed on the real estate ~~law~~ and license law portions of this course.

(4) ~~When classroom reactivation courses are required, A~~ licensee may demonstrate satisfactory completion for reactivation ~~is demonstrated~~ by achieving a grade of 70% or higher on the Commission-prescribed 25 item end-of-course ~~25 item end-of-course~~ examination. The School shall test only students who have completed ~~This examination is administered by the applicable university, college, community college, area technical center or real estate school; however, notice of satisfactory completion shall not be issued to any student who has not attended at least 90% of the required classroom hours of instruction.~~

(5) The ~~institution~~ or school offering these Commission-prescribed ~~Commission-prescribed~~ courses shall inform each student of the standards and requirements at the commencement of each course and issue a ~~and issue a~~ notice of course completion ~~shall be made~~ as prescribed by the Commission in Rule 61J2-3.015, Florida Administrative Code.

(6) Students failing the Commission-prescribed ~~Commission-prescribed~~ course examination must wait at least 30 days from the date of the original examination to re-take ~~again take~~ the end-of-course ~~end-of-course~~ examination. Within one year of the original end-of-course ~~end-of-course~~ examination, a student may re-take the prescribed end-of-course ~~end-of-course~~ examination a maximum of one time. Otherwise, students failing the Commission-prescribed ~~end-of-course~~ Commission-prescribed ~~end-of-course~~ examination must repeat the Commission-prescribed ~~Commission-prescribed~~ course prior to being eligible to re-take ~~again take~~ the end-of-course examination.

(7) ~~These Commission-prescribed courses may be offered by Accredited universities, colleges, community colleges in this state, area technical centers or by real estate schools registered pursuant to s. Section 475.451, Florida Statutes may offer the Commission-prescribed courses.~~ Satisfactory completion of these courses will not entitle any person to reactivate an involuntary inactive ~~an involuntary inactive~~ license as a real estate broker or sales associate ~~salesperson~~ until such person has met all other requirements of law.

(8) Any active member in good standing with The Florida Bar, who is otherwise qualified under the real estate license law, is exempt from the reactivation education requirements of this rule. ~~This must be noted on the renewal request by affixing a copy of the licensee's current Bar card.~~

Specific Authority 475.05 FS. Law Implemented 475.04, 475.17, 475.182, 475.183, 475.451 FS. History—New 1-1-80, Amended 8-24-80, 9-16-84, Formerly 21V-3.10, Amended 10-13-88, 6-28-93, Formerly 21V-3.010, Amended 12-30-97, 10-25-98, 1-18-00, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.:

RULE TITLE:

61J2-3.020

Post-licensing Education for Active and Inactive Broker and Sales Associate Licensees

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., F.S., originally published in Vol. 29, No. 11, March 14, 2003, issue of the Florida Administrative Weekly. The changes are pursuant to the orders of the Florida Real Estate Commission and for the purpose of publishing the specific text changes to the rule as amended and proposed by the Florida Real Estate Commission.

61J2-3.020 Post-licensing Education for Active and Inactive Broker and Sales Associate Salesperson Licensees.

(1) All applicants for licensure who pass a broker or sales associate salesperson licensure examination must satisfactorily complete a Commission-prescribed ~~Commission-prescribed~~ post-licensing educational ~~educational~~ course requirement ~~requirement~~ prior to the first renewal following initial licensure. The licensee must take the ~~licensee must take the~~ post-licensing course or courses must be taken ~~must be taken~~ at an accredited college, university, community college, ~~or~~ area technical center in this state, ~~or at a~~ real estate school registered, pursuant to s. 475.451, Florida Statutes, or given by ~~given by~~ a Commission approved sponsor ("provider").

(a) For a licensed sales associate salesperson, the post-licensing education requirement ~~course~~ shall consist of one or more Commission-approved courses which total at least 45 classroom ~~classroom~~ hours of 50 minutes each, inclusive of examination, in subjects including, but not limited to: agency law, property management, appraisal, real estate finance, or economics of real estate management. Post-licensing courses shall consist of a minimum of 15 hours of instruction of 50 minutes each.

(b) For a broker, the post-licensing education requirement ~~courses~~ shall consist of one or more Commission-approved courses which total at least 60 classroom ~~classroom~~ hours of 50 minutes each, inclusive of examination, in subjects including, but not limited to: agency law, advanced appraisal, advanced property management, real estate marketing, business law, advanced real estate investment analysis, advanced legal aspects, general accounting, real estate economics, syndications, commercial brokerage, feasibility analysis, advanced real estate finance, residential brokerage, or real estate brokerage office operations.

(2) Post-licensing education courses shall be training oriented, to the maximum extent possible, and shall build on the academic body of knowledge acquired during the pre-licensing education courses. All courses shall emphasize

dDevelopment of the skills necessary for licensees to operate effectively and to provide increased public protection to the public shall be emphasized in all courses.

(3) The provider must submit two complete copies of the course materials and end-of-course examination; one submission must be blind. The provider must also submit a copy of the course, or access to the course, in the format in which the student will use it. The course and examination, when delivered via distance education, shall comply with "Course Approval Criteria" as follows: The course content for both broker and salesperson post-licensing education courses shall be directed toward the various real estate specialty areas; that is, brokers or salespersons specializing in residential sales shall be able to take courses directly related to improving their knowledge and skills in that area. Other specialty areas to be considered are commercial sales, property management, business opportunity and business enterprise sales, syndication and counseling. Additional specialty areas also may be considered by the Commission.

1. Distance learning necessitates a high level of self-direction and should, therefore, require students to read, conduct research, complete timed-exams and similar assignments, designed to measure the student's competency relative to the required subject matter objectives. Distance learning study must be offered on a classroom-hour for classroom-hour basis.

2. Providers must demonstrate that the credit hours awarded for distance learning are appropriate to the course offered. The provider may accomplish this objective by demonstrating that students engaged in distance learning have acquired the knowledge, skills, and/or competencies that are at least equivalent to those acquired by students enrolled in classroom studies.

a. The provider must demonstrate that the technical processes used in the delivery of the course operate correctly and the instructional strategies its use supports.

b. The provider must have in place alternative plans for the provision of uninterrupted learner services and technical support in the event of primary system failure.

c. The provider must have policies and technical processes in place to verify and document student identity for enrollment, course participation and course completion.

d. Course submissions shall include a detailed course time-line, and the provider shall make the time-line available to students prior to enrollment.

e. The provider must present evidence by means of an objective study that the stated course hours are consistent with actual hours required to complete the course.

f. The provider must describe in detail the objective method used to ensure students receive only the allotted time to complete the end-of-course examinations.

g. The provider must demonstrate that permitted instructors and technical staff are available to assist students with instruction. Instructor and technical assistance must be made available to students and posted in a prominent location.

h. Post-licensing courses must include learning objective for each session of the syllabus. The course provider must describe the method of assessment of the student's performance periodically throughout the course of instruction.

i. The provider must require the student to submit a statement that includes "I certify that I personally completed all assignments and have not duplicated any portion of the end-of-course examination" prior to the taking of the final examination.

Thereafter, it is the responsibility of the provider offering the Commission-approved courses to keep the course materials current and accurate, as changing times and laws require, and obtain approval from the Commission at least 60 days before implementing any significant changes to the course during its approval period. If the Commission does not approve the course, the provider may resubmit a denied course, with the mandated changes for re-evaluation.

(4)(a) A copy of the course shall be submitted to the Commission for evaluation at least 60 days prior to use. The Commission will issue a status report to the course provider within 30 days after submission of the course. Approval or denial of the course will be based on the extent to which the course content covers the material set forth in paragraph (1)(a) above for salespersons and paragraph (1)(b) above for brokers. Examinations must test the course material. If course approval is denied, the institution or school may resubmit the course, with the mandated changes. Institutions, schools and sponsors offering Commission approved post licensing education courses are responsible for keeping the course subject matter current and accurate.

(b) The course syllabus and examinations will be approved for a 2-year period from the date of approval. A course may not be offered after the expiration date except for a course that is begun before the expiration date may be completed even if the completion date is after the expiration date.

(4)(5) Satisfactory course completion is demonstrated by achieving A a grade of 75% or higher on the Commission-prescribed end-of-course examination constitutes satisfactory course completion. The provider shall develop aAt least 2 unique forms of the end-of-course examinations and submit them shall be submitted for approval with a the detailed course syllabus and shall test the learning objectives contained therein. The answer key must be unique for each form of the examination and The answer key must reference the page number(s) containing the information on which each question and correct answer is based. Examinations must test the material. The Commission approved examination shall be administered by the applicable university, college, community college, area technical center, registered real estate school, or

~~Commission-approved sponsor.~~ At least 70% of the questions on each form of the test shall be application oriented. Application level means the ability to use the learned material in a completely new and concrete situation. It usually involves the application of rules, Policies, methods, computations, laws, theories, or any other relevant and available information. No more than 10% of the questions on each form of the test shall be at the knowledge level. Knowledge level means the recall of specific facts, patterns, methods, terms, rules, dates, formulas, names or other information that should be committed to memory. A provider offering the Commission-prescribed courses must maintain a sufficient bank of questions to assure examination validity. End-of-course examinations shall contain at least 100 items. A course that is thirty-hours or less shall contain a minimum of 50 items. All questions shall be multiple choice with 4 answer choices each. The order of the examination questions may not follow the sequence of the course content. The overall time to complete the end-of-course examination must not exceed the equivalent of 1.8 minutes per item.

(5) The Commission shall approve post-licensure courses for a period of 24 months and consider renewals only if the provider submits the renewal application no later than 90 days prior to the course expiration date. A provider may grade an examination within 15 days after the expiration of the course, provided it receives the materials prior to or on date of expiration.

(6) The provider shall administer the examination and issue a notice of satisfactory completion, as per Rule 61J2-3.015, Florida Administrative Code, provided the student has not missed in excess of 10% of the instruction and has passed the end-of-course examination with a grade of 75% or higher. Notice of satisfactory course completion shall only be issued to any student attending a minimum of 90% of the classroom hours for each course.

(7) The provider institutions, schools or sponsors offering these Commission-prescribed Commission-prescribed or approved courses shall inform each student of the standards and requirements at the commencement of each course. Notice of course completion shall comply with be made as prescribed by the Commission in Rule 61J2-3.015, Florida Administrative Code. In all Commission-approved courses offered by distance education, the provider or permitholder shall provide to students an address, email address and telephone number of a Commission-approved instructor registered with such provider, who shall be available, to assist students with instruction.

(8)(a) Students failing a Commission-prescribed end-of-course Commission-prescribed post licensing education end-of-course examination must wait at least 30 days from the date of the original examination to retest again ~~take the end of course examination~~. Within one year of the original end-of-course end-of-course examination, a student may retest

~~retake the prescribed end-of-course examination a maximum of one time. Otherwise, students failing the Commission-prescribed Commission prescribed end-of-course end-of-course examination must repeat the Commission-prescribed course prior to being eligible to again take the end-of-course examination. Providers shall administer a different form of the end-of-course examination to a student that is retaking the exam or repeating the course. Students retaking the end-of-course examination must be administered a different form of the end-of-course examination.~~

(b) ~~Make-up~~ Make-up classes ~~and examinations~~ to enable a student to take the prescribed end-of-course examination due to student or family illness may not extend more than 30 days beyond the class scheduled end-of-course ~~end-of-course~~ examination date without Commission approval ~~of the Commission~~. Make-up classes must consist of the original course materials which the student missed. ~~be the classes missed by the student and must consist of the original Commission prescribed course material.~~

(9) The Commission will ~~may~~ allow an additional 6-month period after the first renewal following initial licensure for brokers and sales associates ~~salespersons~~ who cannot, due to individual physical hardship, complete the course or courses within the required time. Individual physical hardship is defined as a case wherein a person desiring to take the Commission prescribed courses cannot, by reason of a physical disability, attend the place where the classes are conducted shall be as defined in Rule 61J2-3.013(2), Florida Administrative Code. Any person desiring to complete the education course by means of distance education shall make a request to the Commission in writing, setting forth the basis of the alleged hardship. The Commission shall require said request to be supported by statements of doctors and other persons having knowledge of the facts. Requests under this rule shall be handled in the same manner as contained in Rule 61J2-3.013(3), Florida Administrative Code.

(10) Any licensee who has received a 4-year degree in real estate from an accredited institution of higher education is exempt from the post-license education requirements.

Specific Authority 475.05, 475.17 FS. Law Implemented 475.04, 475.17, 475.182 FS. History—New 1-1-89, Amended 1-4-90, 6-28-93, Formerly 21V-3.020, Amended 8-2-95, 12-30-97, 2-24-00, 7-23-00, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-24.001
RULE TITLE: Disciplinary Guidelines

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as notice in Vol. 27, No. 34, August 24, 2001, has been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-14.0076
RULE TITLE: Requirement for Osteopathic Physician Office Registration; Inspection or Accreditation

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 26, June 27, 2003, issue of the Florida Administrative Weekly. The changes are being made in response to comments by the Joint Administrative Procedures Committee.

Paragraph (1)(a) shall read as follows:

(1)(a) Every Florida licensed osteopathic physician who holds an active Florida license and performs Level II surgical procedures in Florida with a maximum planned duration of five (5) minutes or longer or any Level III office surgery, as fully defined in Rule 64B15-14.007, F.A.C., shall register with the Board of Osteopathic Medicine on the following form which may be obtained from the Board office at 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256 or by calling (850)245-4161: Florida Board of Osteopathic Medicine Office Surgery Registration Program, DH-MQA 1071, 1/03, effective _____. It is the osteopathic physician's responsibility to ensure that every office in which he or she performs Levels II or III surgical procedures as described above is registered, regardless of whether other physicians are practicing in the same office or whether the office is non-physician owned.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pam King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-18.0025
RULE TITLE: Qualifications to Practice Juvenile Sexual Offender Therapy

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule published in Vol. 28, No. 33, August 16, 2002, issue of the Florida Administrative Weekly. These changes are being made in response to comments from the Joint

Administrative Procedures Committee. After review, the Board, at its last meeting held on August 22, 2003 in Tampa, Florida, voted to delete old subsection (1)(i) in its entirety and renumber the remaining 2 subsections.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Psychology, MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

Section IV Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE TITLE:

RULE NO.:

Instant Game Number 504,

VACATION CASH

53ER03-48

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 504, "VACATION CASH," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER03-48 Instant Game Number 504, VACATION CASH.

(1) Name of Game. Instant Game Number 504, "VACATION CASH" (referred to herein as VACATION CASH).

(2) Price. VACATION CASH lottery tickets sell for \$2.00 per ticket.

(3) VACATION CASH lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning VACATION CASH lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any VACATION CASH lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE
6 SIX	7 SEVEN	8 EIGHT	9 NINE	10 TEN
11 ELEVN	12 THELV	13 THRTN	14 FORTN	15 FIFTN
16 SIXTN	17 SVNTN	18 EGHTN	19 NINTN	

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE
6 SIX	7 SEVEN	8 EIGHT	9 NINE	10 TEN
11 ELEVN	12 THELV	13 THRTN	14 FORTN	15 FIFTN
16 SIXTN	17 SVNTN	18 EGHTN	19 NINTN	

(6) The prize symbols and prize symbol captions are as follows:

TICKET TICKET	\$2.00 TWO	\$3.00 THREE	\$5.00 FIVE
\$10.00 TEN	\$15.00 FIFTEEN	\$20.00 TWENTY	
\$25.00 THY FIVE	\$100 ONE HUN	\$200 TWO HUN	\$1,000 ONE THO
			\$10,000 TEN THO
VACATION PKG			

(7) The "SECOND CHANCE DRAWING" numbers and letters are as follows:

1 2 3 4 5 6 7 8 9
B C D
F G H J K L M N
P Q R S T V W X Y

(8) The legends are as follows:

WINNING YOUR NUMBERS
NUMBERS

ENTRY
#

(9) Determination of Prizewinners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches any number in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number. The prizes are:

TICKET, \$2.00, \$3.00, \$5.00, \$10.00, \$15.00, \$20.00, \$25.00, \$100, \$200, \$1,000, \$10,000, and VACATION. Details on vacation prize packages are set forth in subsection (13) below.

(b) A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a ticket or combination of instant tickets with a total value of \$2.00, except as follows. A person who submits by mail a VACATION CASH lottery ticket which entitles the claimant to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(10) The estimated odds of winning, value, and number of prizes in Instant Game Number 504 are as follows:

GAME PLAY TICKET	WIN \$2 TICKET	ODDS OF 1 IN	NUMBER OF WINNERS IN 28 POOLS OF 180,000 TICKETS PER POOL
\$2	\$2	11.54	436,800
\$2 + \$2	\$4	15.00	336,000
\$2 + \$3	\$5	50.00	100,800
\$5	\$5	25.00	201,600
\$2 x 5	\$10	50.00	100,800
\$10	\$10	150.00	33,600
\$15	\$15	75.00	67,200
\$5 x 3	\$15	150.00	33,600
\$5 x 5	\$25	150.00	33,600
(\$5 x 6) + (\$10 x 2)	\$50	150.00	33,600
\$10 x 5	\$50	1,500.00	3,360
\$25 x 2	\$50	1,800.00	2,800
(\$10 x 6) + (\$20 x 2)	\$100	1,800.00	2,800
\$20 x 5	\$100	36,000.00	140
\$100	\$100	36,000.00	140
\$200	\$200	45,000.00	112
(\$100 x 6) + (\$200 x 2)	\$1,000	90,000.00	56
\$1,000	\$1,000	840,000.00	6
VACATION + CASH	VACATION + CASH	630,000.00	8
\$10,000	\$10,000	504,000.00	10
		1,680,000.00	3

(11) The estimated overall odds of winning some prize in Instant Game Number 504 are 1 in 3.63. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(12) For reorders of Instant Game Number 504 the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(13) A total of fifty (50) Florida Vacation Prize Packages ("vacation prize packages") are offered in Instant Game Number 504, VACATION CASH: ten (10) instant-win vacations and forty (40) second chance drawing vacations. A description of the vacation prize packages is set forth on the "How to Play Vacation Cash" brochure which is hereby incorporated by reference and may be obtained from the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida, 32399-4016. A description of the vacation prize packages is also available from www.FLAUSA.com. Some destinations offer more than one vacation prize package.

(a) All vacation prize packages are for two (2) people for four (4) days and three (3) nights (unless otherwise stated), and include one Alamo Rent a Car® voucher for length of stay (good until December 31, 2004), two (2) airline ticket vouchers on AirTran Airways® (good until December 31, 2004), \$500 cash, and federal income tax withholding for the value of the vacation prize package including withholding tax. Any additional federal, state, and/or local taxes or other fees are the responsibility of the winner.

(b) The fair market value of each vacation prize package as set forth on the document entitled "Vacation Cash Prize Package Values" is hereby incorporated by reference and may be obtained from the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016.

(c) Some restrictions, including blackout dates, may apply. Reservations must be made no later than thirty (30) days in advance of the anticipated travel, and travel must be completed by December 31, 2004. Reservations are subject to availability. The winner will be responsible for payment of any service fees assessed as a result of a cancellation or re-booking of reservations. If a winner is unable to use his or her vacation prize package during the time frame detailed above, the winner will forfeit the vacation prize package; however, the value of the vacation prize package will remain taxable income to the winner.

(d) Vacation prize packages are not redeemable for cash and once awarded are not transferable. Vacation prize packages do not include gratuities, telephone calls, age restriction rental car fees, or other personal expenses incurred during the vacation.

(14) Procedures for Claiming a Vacation Prize Package Won Instantly. A player who has won a vacation prize package in accordance with the instant play features of Instant Game Number 504 described in paragraph (8)(a) above, shall claim his or her prize as follows.

(a) The claimant should complete the information section on the back of a winning VACATION CASH ticket. The claimant must file a claim with a Lottery office and complete a Winner Claim Form DOL 173-2, Revised 4/02, or DOL 173-S, Revised 4/02 in accordance with the instructions on the form. The forms are incorporated herein by reference and may be obtained from any Lottery retailer, Lottery office or from the Lottery's web site at www.flalottery.com. The claimant shall either mail his or her claim to the Florida Lottery, Winner Validation, 250 Marriott Drive, Tallahassee, Florida 32399-9939, or present it to any Lottery office that redeems prizes. The risk of loss or late delivery of a claim submitted by mail remains with the player. Tickets must be validated within sixty (60) days after the official end date of the VACATION CASH instant lottery game and submitted for prize payment within ninety (90) days after the official end date of the VACATION CASH instant lottery game.

(b) After the Lottery receives the claim, the winner will be provided a description of the available vacation prize packages from which he or she can select the vacation destination of his or her choice. The winner will be provided an Acceptance and Release Form DOL-463 that reflects the winner's chosen prize package. Such selection shall be final upon the Lottery's receipt of the winner's executed Acceptance and Release Form. Acceptance and Release Form DOL-463, Effective 9/03 is incorporated herein by reference and may be obtained from Winner Validation, 250 Marriott Drive, Tallahassee, Florida 32399-9939. A winner may designate another person who is at least 18 years of age to receive the vacation portion of the prize package provided such designation is made at the time of executing the Acceptance and Release Form. In such case, the value of the vacation prize package will remain taxable income to the winner.

(c) The Florida Lottery will notify VISIT FLORIDA of the names of the prize recipients for prize fulfillment. The prize recipients will receive a complete winner's package from VISIT FLORIDA that includes a detailed prize description and any associated restrictions. It will be each prize recipient's responsibility to make his or her own travel reservations directly with the prize providers.

(d) State Owed Debt.

1. If an instant winner of a vacation prize package is identified as owing an outstanding debt to a state agency or child support collected through a court, including spousal support or alimony if the child support obligation is being enforced by the Department of Revenue, in an amount less than the cash portion of the prize (\$500) and the winner does not pay the debt or child or spousal support at the time of claiming his or her prize, only the non-cash portion of the prize and the cash amount owed to the claimant after his or her debt is satisfied shall be awarded.

2. If an instant winner of a vacation prize package is identified as owing a state owed debt greater than the cash portion of the prize (\$500) and the winner does not pay the debt or child or spousal support at the time of claiming his or her prize, the winner's debt will be collected in lieu of award of the vacation prize package. An amount sufficient to cover the debt, up to the total fair market value of the vacation prize package elements excluding federal withholding tax, will be transferred to the state agency owed the debt. Any monies remaining after federal tax withholding and after collection of the debt will be paid to the claimant.

(15) VACATION CASH Second Chance Drawings. The Florida Lottery will conduct forty (40) computerized drawings in which it will award as prizes forty (40) vacation prize packages. Non-winning VACATION CASH lottery tickets can be used for entry into a Second Chance Drawing. Winning VACATION CASH lottery tickets cannot be used for entry into Second Chance Drawings.

(16) How to enter a VACATION CASH Second Chance Drawing.

(a) Players must enter into a Second Chance Drawing by visiting the Florida Lottery's web site at www.flalottery.com, clicking on the VACATION CASH icon and following the instructions. Each non-winning VACATION CASH lottery ticket has a valid entry number under the Second Chance Drawing Entry Number box. Players enter the entry number on the non-winning ticket into the Second Chance Drawing of their choice. Players may enter into a specific vacation prize package drawing more than one time or may enter into multiple vacation prize package drawings. However, each non-winning ticket entry number may only be used one time, for one entry. Players must submit entries by 12:00 midnight (EST), February 25, 2004. To claim a Second Chance Drawing vacation prize package, the player must submit to the Lottery in accordance with paragraph (18)(a) below the non-winning ticket bearing the entry number selected in the drawing. Without such ticket, the player will forfeit his or her right to claim the prize. Therefore, it is important that players retain all non-winning tickets used to enter a Second Chance Drawing.

(b) The Lottery will not enter a non-winning VACATION CASH ticket into a Second Chance Drawing on behalf of a player.

(17) VACATION CASH Second Chance Drawing Details.

(a) The Florida Lottery will conduct forty (40) computerized drawings on February 26, 2004, in which forty (40) vacation prize packages will be awarded. Each drawing will be for a specific vacation prize package. The winning entry drawn for a specific vacation prize package will be from among the entries entered specifically into the drawing for that vacation prize package. The odds of winning a particular vacation prize package are dependent upon the number of entries received for that vacation prize package. A total of ten (10) entries will be drawn per drawing. In each drawing, the first entry drawn will win the corresponding vacation prize package. The remaining entries drawn will be alternates and will be used, if necessary, in the order in which they were drawn to fulfill the vacation prize package in the event the Lottery cannot successfully award it to the winner.

(b) If a vacation prize package winner fails to return the Winner Claim Form, non-winning ticket and Acceptance and Release Form in accordance with the provisions set forth in paragraph (18)(a) below, the winner will forfeit his or her right to claim the prize, and the first available qualified alternate will be awarded the vacation prize package provided he or she completes and returns the Winner Claim Form, non-winning ticket and Acceptance and Release Form to the Florida Lottery no later than three weeks from the first alternate's receipt of the forms. If necessary, the Lottery will continue the above-described alternate award process until a vacation prize

package is successfully awarded, but not to exceed a ninth alternate. Thereafter, no further vacation prize package alternate winner will be selected.

(c) All drawings shall be public and witnessed by an accountant employed by an independent certified public accounting firm who certifies that all drawing procedures have been followed.

(18) Procedures for Awarding Second Chance Vacation Prize Packages. Participants need not be present at the Second Chance Drawing to win. The Florida Lottery will attempt to notify prizewinners by telephone, certified mail, and/or electronic mail no later than two weeks after the winners are announced.

(a) Prior to the receipt of a vacation prize package, the winner must submit to the Lottery the non-winning ticket bearing the entry number selected in the Second Chance Drawing, along with a completed Winner Claim Form DOL 173-2, or DOL 173-S, and executed Acceptance and Release Form DOL-463 (together referred to as the "claim package"). The Florida Lottery must receive the claim package no later than twenty-one days from the winner's receipt of the forms. If the twenty-first day falls on a Saturday, Sunday, or an observed state holiday, this time period will be extended to the Lottery's next business day. The risk of loss or late delivery of a claim package submitted by mail remains with the player. A winner may designate another person who is at least 18 years of age to receive the vacation portion of the prize package provided such designation is made at the time of executing the Acceptance and Release Form. In such case, the value of the vacation prize package will remain taxable income to the winner.

(b) Once the Florida Lottery has received a winner's claim package, the Lottery will award the applicable vacation prize package in accordance with the provisions set forth in paragraph (14)(c) above. Cash will not be awarded in lieu of second chance vacation prize packages, except as provided in paragraph (18)(c) below.

(c) State Owed Debt.

1. If the winner of a vacation prize package in a second chance drawing is identified as owing an outstanding debt to a state agency or child support collected through a court, including spousal support or alimony if the child support obligation is being enforced by the Department of Revenue, in an amount less than the cash portion of the prize (\$500), and the winner does not pay the debt or child or spousal support at the time of claiming his or her prize, only the non-cash portion of the prize and the cash amount owed to the claimant after his or her debt is satisfied shall be awarded.

2. If the winner of vacation prize package in a second chance drawing is identified as owing a state owed debt greater than the cash portion of the prize (\$500) and the winner does not pay the debt or child or spousal support at the time of claiming his or her prize, the winner's entire cash portion of

the prize will be applied toward the outstanding debt and the winner will be awarded the remaining non-cash portion of the prize.

(19) Second Chance Drawing participants must be at least eighteen years of age.

(20) Persons prohibited by Section 24.116, Florida Statutes, from purchasing a Florida Lottery ticket are not eligible to win a VACATION CASH Second Chance Drawing prize.

(21) The Florida Lottery will provide a complete list of the names, cities and states of residence of all VACATION CASH Second Chance Drawing winners on the Florida Lottery's web site following the conclusion of the drawings. A copy of the winners list is available from the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016, or from the Lottery's website at www.flalottery.com.

(22) Details and Restrictions Applicable to All Vacation Prize Packages.

(a) Winners must be at least 18 years of age.

(b) Cash will not be awarded in lieu of vacation prize packages, except as provided in paragraph (22)(c) below.

(c) The Florida Lottery reserves the right, if necessary, due to unforeseen circumstances beyond the control of the Lottery, to award an equivalent vacation prize package or element or a cash prize in lieu of a vacation prize package or an element of a vacation prize package. In the event cash prizes are awarded, the cash prize amount shall be as follows:

1. If a cash prize is awarded in lieu of the entire vacation prize package, the cash prize will be equivalent to the fair market value of the vacation prize package elements including applicable federal withholding tax. Applicable federal withholding tax shall be deducted from the cash prize at the time it is awarded.

2. If the winner is identified as owing an outstanding debt to a state agency or child support collected through a court or spousal support or alimony if the child support obligation is being enforced by the Department of Revenue, and the winner does not pay the debt or child or spousal support at the time of claiming his or her prize, an amount sufficient to cover the debt, up to the total fair market value of the vacation prize package elements excluding federal withholding tax, will be transferred to the state agency owed the debt. Any monies remaining after federal tax withholding and after collection of the debt will be paid to the claimant.

3. If, after a vacation prize package is awarded to a winner, one or more of the vacation prize package elements become unavailable to the winner through no fault of his or her own, the Lottery will award a cash prize in an amount equivalent to the fair market value of the unavailable element or elements of the vacation prize package. The winner must notify the Lottery

of such incident within thirty (30) days following the conclusion of his or her vacation. The Lottery reserves the right to verify the winner's claim.

(d) All prizes are subject to the provisions of Chapter 24, Florida Statutes, and rules promulgated thereunder. By purchasing a VACATION CASH lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery. Entry into a VACATION CASH Second Chance Drawing constitutes agreement to abide by the official rules of the VACATION CASH instant game.

(e) Payment of prizes for VACATION CASH lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(g) A copy of the complete rules for Instant Game Number 504, VACATION CASH and the related second chance drawings may be obtained by writing the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011 or by calling (850)487-7724.

Specific Authority 24.105(9)(a),(b),(c),(d),(e), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c),(d),(e), 24.115(1), 24.115(4) FS. History—New 9-15-03.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: September 15, 2003

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 505,

RULE NO.:

HALLOWEEN CASH

53ER03-49

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 505, "HALLOWEEN CASH," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER03-49 Instant Game Numbers 505, HALLOWEEN CASH.

(1) Name of Game. Instant Game Number 505, "HALLOWEEN CASH."

(2) Price. HALLOWEEN CASH lottery tickets sell for \$1.00 per ticket.

(3) HALLOWEEN CASH lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning HALLOWEEN CASH lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any HALLOWEEN CASH lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The play symbols and play symbol captions are as follows:

TICKET	\$1.00	\$2.00	\$4.00	\$5.00	\$10.00
TICKET	ONE	TWO	FOUR	FIVE	TEN
\$25.00	\$50.00	\$100	\$500		
THY FIVE	FIFTY	ONE HUN	FIVE HUN		



(5) Determination of Prizewinners.

(a) A ticket having three like amounts in the play area shall entitle the claimant to a prize of that amount. The prize amounts are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, and \$500. A ticket having three "TICKET" symbols in the play area shall entitle the claimant to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a HALLOWEEN CASH lottery ticket that entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(b) A ticket having two like prize amounts and a



"DOUBLE" symbol in the play area shall entitle the claimant to a prize of double that amount.

(6) The estimated odds of winning, value, and number of prizes in Instant Game Number 505 are as follows:

GAME PLAY TICKET	WIN	ODDS OF 1 IN	NUMBER OF WINNERS IN 39 POOLS OF 180,000 TICKETS PER POOL
\$1	\$1 TICKET	10.00	702,000
\$2	\$1	15.00	468,000
\$4	\$2	25.00	280,800
\$5	\$4	100.00	70,200
\$5 "PUMPKIN"	\$5	30.00	234,000
\$10	\$10	300.00	23,400
\$25	\$10	300.00	23,400
\$25 "PUMPKIN"	\$25	300.00	23,400
\$50	\$50	7,200.00	975
\$50 "PUMPKIN"	\$50	9,000.00	780
\$100	\$100	35,100.00	200
\$500	\$100	58,500.00	120
	\$500	280,800.00	25

(7) The estimated overall odds of winning some prize in Instant Game Number 505 are 1 in 3.84. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(8) For reorders of Instant Game Number 505, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(9) By purchasing a HALLOWEEN CASH lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(10) Payment of prizes for HALLOWEEN CASH lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History—New 9-15-03.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: September 15, 2003

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF EDUCATION

Notice is hereby given that the Variance and Waiver regarding the University of Sint Eustatius Medical School, as noticed in Vol. 29, No. 38, of the Florida Administrative Weekly on September 19, 2003, has been withdrawn.

DEPARTMENT OF LAW ENFORCEMENT

Notice is hereby given that the Officer Professionalism Program, Florida Department of Law Enforcement has received from Scott Pascarella on September 4, 2003, a petition for Waiver of Rule 11B-20.0017, F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive certain requirements for instructor certification.

Comments on this Petition should be filed with: Grace A. Jay, Assistant General Counsel, Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302.

A copy of the Petition may be obtained by contacting Grace A. Jaye, Assistant General Counsel, at the above address or calling (850)410-7676.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2003-133-DAO), dated September 10, 2003 to Richard Sapor on behalf of Palm Beach Hounds, Inc.

The petition for waiver was received by the SFWMD on July 16, 2003. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 29, No. 32, August 8, 2003. No public comment was received. This Order provides a waiver to allow the use of horses off of designated trails and the use of dogs, at the Dupuis Management Area. Specifically, the Order grants a waiver from paragraphs 40E-7.538(14)(c) and (j), Fla. Admin. Code, which prohibits equestrian activities off of designated equestrian trails and named or numbered roads, and prohibits dogs, except as authorized by the Florida Fish and Wildlife Conservation Commission, at Dupuis Management Area. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) Staff recommends a waiver of District criteria which governs the use of horses off of designated trails and prohibits dogs, other than those approved by the Florida Fish and Wildlife Conservation Commission, at Dupuis Management Area as the proposed activity is not obstructive to the area operations and without concernable impact to the land; 2) the Petitioner will be responsible and repair any possible damage it causes; and 3) a waiver from the subject rules is necessary to prevent Palm Beach Hounds, Inc., from suffering a substantial hardship.

A copy of the Order can be obtained from: Charron Follins, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6293 or email: cfollins@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2003-146 DAO-ROW), on September 10, 2003, to the Florida Department of Transportation.

The petition for waiver was received by the SFWMD on July 2, 2003. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 29, No. 29, on July 18, 2003. No public comment was received. This Order provides a waiver for an existing light pole to remain within the north right of way of the Hillsboro Canal at

the northwest quadrant of the State Road 7 (U.S. 441) Bridge, Palm Beach County, Section 36, Township 47 South, Range 41 East. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6) and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which govern the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent the Florida Department of Transportation from a substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6299 or e-mail jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2003-147 DAO-ROW), on September 10, 2003, to Bruce Kirby.

The petition for waiver was received by the SFWMD on July 11, 2003. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 29, No. 30, on July 25, 2003. No public comment was received. This Order provides a waiver for a proposed dock within the north right of way of the Golden Gate Main Canal at the rear of 3241 German Woods Court, Naples, Collier County, Section 29, Township 49 South, Range 26 East. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs the minimum low member elevation of pile-supported docking facilities within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the proposed facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Bruce Kirby from a violation of the principles of fairness and substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6299 or e-mail: jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2003-148 DAO-ROW), on September 10, 2003, to the Florida Department of Transportation.

The petition for waiver was received by the SFWMD on July 22, 2003. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 29, No. 31, on August 1, 2003. No public comment was received. This Order provides a waiver for an existing above-ground signal control cabinet to remain within the north right of way of C-11 located immediately west of the Davie Road Bridge, Broward County, Section 33, Township 50 South, Range 42 East. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6) and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which govern the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of canal bank and within the District's designated 100' long equipment staging areas located at all bridge and pile-supported utility crossings within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent South Florida Conservancy District from substantial hardship.

A copy of the order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6299 or e-mail: jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that on September 10, 2003, South Florida Water Management District (District) received an amended petition for waiver from the City of Wilton Manors, Application No. 03-0609-2, for utilization of Works or Lands of the District known as the C-13 (North Fork Middle River Canal, Broward County for the installation of a pavilion with decking, light fixtures, portion of a City sign and vehicular parking as part of the City's proposed public recreation park facilities within the east right of way of C-13 (North Fork Middle River) adjacent to the City-owned Johnson Property located west of Powerline Road. Broward County, Section 28, Township 49 South, Range 42 East. The petition

seeks relief from subsections 40E-6.011(4),(6) and paragraph 40E-6.221(2)(j), Fla. Admin. Code, which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank and the utilization (parking) of motor vehicles within Works or Lands of the District.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail: jsluth@sffwmd.gov.

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN that, on August 28, 2003, the Agency for Health Care Administration received from Orlando Surgicare, Ltd., d/b/a Same Day Surgicenter of Orlando ("SSO"), a Petition for Variance from subsection 59A-5.003(14), F.A.C. SSO seeks a variance from the "all approvals required by law" clause contained in the rule.

A copy of the petition may be received from Lealand McCharen, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #3, Tallahassee, Florida 32308.

Please submit any comments to the Agency Clerk no later than 14 days from the date of this notice.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Electrical Contractors' Licensing Board hereby gives notice that it has received a petition, filed on September 5, 2003, by Jack Alfandary, Esquire, on behalf of Aerwav Integration Services, Inc., seeking a waiver or variance of subsection 61G6-5.006(1), Florida Administrative Code, with respect to the requirement to submit a full transfer application for a name change when together with a fictitious name.

Comments on this Petition should be filed with the Electrical Contractors' Licensing Board, 1940 North Monroe Street, Northwood Centre, Tallahassee, Florida 32399-0783, within 14 days of publication of this notice.

For a copy of the petition, contact: Anthony B. Spivey, Executive Director, Electrical Contractors' Licensing Board, at above address or telephone (850)487-1395.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT ON September 15, 2003, the Board of Hearing Aid Specialists received a Petition for Waiver and/or Variance of Chapter 64B6, F.A.C., from Robert F. Duncan, f/k/a Robert F. Dechmerowski, and on September 17, 2003, received an amended Petition for Waiver and/or Variance of subsection 64B6-2.002(1), F.A.C. The Petition requests a variance from the definition of "actively practicing", which requires that the Practitioner provides at least two receipts per month for 12 of the 18 months immediately proceeding the application.

Comments on this Petition should be filed with: Sue Foster, Board Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

This petition will be considered at the next meeting of the board on October 6, 2003, via telephone conference.

For more information contact: Sue Foster, Board Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, (850)245-4474.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on September 10, 2003, Florida Housing Finance Corporation received a withdrawal of a Petition for Waiver of subsection 67-21.002(97), F.A.C., from Kings Palm Beach Realty, LLC, requesting a waiver of the maximum development size permitted.

A copy of the Withdrawal can be obtained from: Sherry Green, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Section VI Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

State Board of Administration
Financial Services Commission
Department of Veterans' Affairs
Department of Highway Safety and Motor Vehicles
Department of Law Enforcement
Department of Revenue
Department of Education
Administration Commission
Florida Land and Water Adjudicatory Commission
Board of Trustees of the Internal Improvement Trust Fund
Department of Environmental Protection

DATE AND TIME: October 14, 2003, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

PURPOSE: Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S. The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation And Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set

forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF LEGAL AFFAIRS

The Awards and Recognition Task Force Committee of the Florida **Commission on the Status of Women** will hold a telephone conference to which all interested persons are invited.

DATE AND TIME: October 7, 2003, 3:00 p.m.

PLACE: Call (850)414-3300 for information on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

Note: If a quorum of members does not attend, items on this agenda will be discussed as a workshop by those present, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

The Ad Hoc Committee to Review State Commissions on the Status of Women of the Florida **Commission on the Status of Women** will hold a telephone conference to which all interested persons are invited.

DATE AND TIME: Tuesday, October 7, 2003, 10:00 a.m.

PLACE: Call (850)414-3300 for information on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

Note: If a quorum of members does not attend, items on this agenda will be discussed as a workshop by those present, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

The Annual Report Committee of the Florida **Commission on the Status of Women** will hold a telephone conference to which all interested persons are invited.

DATE AND TIME: October 8, 2003, 10:00 a.m.

PLACE: Call (850)414-3300 for information on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

Note: If a quorum of members does not attend, items on this agenda will be discussed as a workshop by those present, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

The Finance and Budget Committee of the Florida **Commission on the Status of Women** will hold a telephone conference to which all interested persons are invited.

DATE AND TIME: October 9, 2003, 10:00 a.m.

PLACE: Call (850)414-3300 for information on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

Note: If a quorum of members does not attend, items on this agenda will be discussed as a workshop by those present, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a public meeting to which all persons are invited.

DATE AND TIME: October 21, 2003, 12:00 Noon – 1:30 p.m.

PLACE: Radisson Resort, Port, Salon I, Cape Canaveral, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Florida Propane Education, Safety and Research Council and representatives of the Florida Dept. of Agriculture and Consumer Services to discuss current and proposed Council projects and budget issues.

Additional information may be obtained by writing: Vicki O'Neil, Bureau Chief, Bureau of LP Gas Inspections, 3125 Conner Blvd., Suite N, Tallahassee, FL 32399-1650, (850)921-8001.

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours in advance by contacting Ms. O'Neil at the number above.

The Florida **Department of Agriculture and Consumer Services** announces a public meeting to which all persons are invited.

Shrimp Liaison Working Group

DATE AND TIME: Wednesday, October 1, 2003, 1:00 p.m. – 4:00 p.m.

PLACE: Doubletree Hotel Tampa – Westshore, 4500 West Cypress Street, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Shrimp Liaison Working Group meeting to discuss marketing programs funded with federal relief funds.

If you have any question or need any special accommodations, please contact: Amanda MacKee, Bureau of Seafood and Aquaculture Marketing, (850)488-0163.

The **Department of Agriculture and Consumer Services** announces a meeting of the Florida Aquaculture Review Council.

DATE AND TIME: October 10, 2003, 1:30 p.m.

PLACE: Harbor Branch Aquaculture Development Park, ACTED Classroom, 5600 US 1 North, Fort Pierce, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues affecting the growth of aquaculture in Florida.

A copy of the agenda can be obtained by contacting: Karen Metcalf, Division of Aquaculture, 1203 Governor's Square Boulevard, Fifth Floor, Tallahassee, FL 32301, (850)488-4033.

If special accommodations are needed to attend this meeting because of disability, please contact Karen Metcalf as soon as possible.

DEPARTMENT OF EDUCATION

Education Commissioner Jim Horne announces the fall adoption meetings of the **State Instructional Materials Committees**.

Technology Education

DATES AND TIME: October 14-15, 2003, 8:30 a.m.

PLACE: Sawgrass Marriott, 1000 PGA Tour Boulevard, Ponte Vedra Beach, Florida

Computer Education K-5

DATES AND TIME: October 28-29, 2003, 8:30 a.m.

PLACE: Florida Education Center, Turlington Building, 325 W. Gaines Street, Room 1706, Tallahassee, Florida

Computer and Business Technology Education

DATES AND TIME: November 4-7, 2003, 8:30 a.m.

PLACE: Sawgrass Marriott, 1000 PGA Tour Boulevard, Ponte Vedra Beach, Florida

Mathematics Grades 6-8 and Mathematics Committee C Grades 9-12

DATES AND TIME: November 18-20, 2003, 8:30 a.m.

PLACE: Sawgrass Marriott, 1000 PGA Tour Boulevard, Ponte Vedra Beach, Florida

Mathematics Committee A Grades 9-12 and Marketing and Diversified Education 6-12

DATES AND TIME: December 3-5, 2003, 8:30 a.m.

PLACE: Sawgrass Marriott, 1000 PGA Tour Boulevard, Ponte Vedra Beach, Florida

Mathematics Grades K-5 and Mathematics Committee B Grades 9-12

DATES AND TIME: December 9-12, 2003, 8:30 a.m.

PLACE: Sawgrass Marriott, 1000 PGA Tour Boulevard, Ponte Vedra Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committees will evaluate instructional materials that were submitted for consideration by publishers in June of 2003 and will recommend titles to be placed on the state-adopted list of instructional materials for use by public schools beginning with the 2004-2005 school year.

The meetings are open to the public. Copies of the agenda and committee rosters, and further information about the meetings may be obtained by contacting: Department of Education, Instructional Materials Office, (850)245-0425.

The State of Florida, **Department of Education, Education Practices Commission**, announces a Teacher Hearing Panel all persons are invited.

DATE AND TIME: October 24, 2003, 9:00 a.m.

PLACE: Crowne Plaza Hotel, 5555 Hazeltine National Drive, Orlando, Florida 32812, (407)856-0100

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Teacher Hearing Panels of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at these hearings, he or she will need to ensure that a verbatim record of the proceeding is made. The record will include the testimony and evidence upon which the appeal is to be based.

Additional information may be obtained by writing: Education Practices Commission, 325 W. Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399-0400.

SPECIAL ACCOMMODATION: Any person requiring a special impairment accommodation should contact Kathleen M. Richards, (850)245-0455, at least five (5) calendar days prior to the hearing. Persons who are hearing or speech impaired can contact the Commission using the Florida Dual Party Relay System at 711.

The **USF Center for Urban Transportation Research** announces a meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 22, 2003, 1:30 p.m. – 4:30 p.m.

PLACE: University of South Florida – Tampa Campus, CUT 100, Tampa, FL

SUBJECT MATTER TO BE CONSIDERED: General business meeting of the CUTR Advisory Board.

A copy of the agenda maybe obtained by contacting: Patricia Ball, (813)974-3120, pball@cutr.usf.edu

The **Gulf Coast Community College**, District Board of Trustees will hold its monthly meeting as follows:

DATE AND TIME: October 9, 2003, 10:00 a.m. (EDT)

PLACE: A. Gardner Seminar Room, Gulf Coast Community College, Panama City, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting.

Contact person for the meeting is: Dr. Robert L. McSpadden, President.

The **Florida Alliance for Assistive Services and Technology, Inc.**, Board of Directors announces a public meeting to which all persons are invited to attend:

DATES AND TIME: Thursday, October 16, 2003; Friday, October 17, 2003, 10:00 a.m. – 12:30 p.m.

PLACE: These meetings will be conducted via teleconference, (850)921-2530

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will meet to conduct such business as specifically on the agenda. Time will be set aside to solicit input from the public concerning assistive technology needs and services.

If you have any questions, please contact: FFAST, Inc., 325 John Knox Road, Bldg. B., Tallahassee, FL 32303, or by calling (850)487-3278.

If you would like to present information to the Board of Directors, or if you require reasonable accommodations due to a disability, please contact FFAST, Inc. at the above address at least 14 working days in advance of the meeting.

If a person decides to appeal any decision made by the Board of Directors with respect to any matter considered at such meetings, the person will need a record of the proceedings.

Additionally, the Board of Directors conduct committee teleconferences, at the call of the committee Chairs, to accomplish the goals and objectives of the committees between full Board meetings. If you would like to present information to a FFAST committee, attend a committee teleconference, or require reasonable telecommunication accommodations due to a disability, please contact the FFAST, Inc. office in writing at the above address.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Building Commission** announces the following meetings to which all persons are invited. The meetings will be held at:

PLACE: The Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida 32819, 1(800)366-9700

DATE AND TIMES: October 12, 2003

10:00 a.m. – Meeting of the Structural Technical Advisory Committee

3:00 p.m. – Product Approval/Prototype Buildings/Manufactured Buildings POC

3:00 p.m. – Meeting of the Mechanical Technical Advisory Committee

DATE AND TIME: October 13, 2003, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Accessibility Advisory Council to consider the following applications for waiver from accessibility code requirements: World Jet, Inc., 6101 N. W. 10th Terrace, Fort Lauderdale; Holiday Inn Family Suites Resort, 14500 Continental Parkway, Orlando; Montessori World School, 11601 Ruby Lake Road, Orlando; CVS Pharmacy, 3933 5th Avenue, West, Bradenton; Dadeland Mall Parking Deck #3; 7535 S. W. 88th Street, Miami; Executive Suites, 522 Silver Slipper Lane, Tallahassee; Alpha Chi Omega Sorority House, 518 West Park Avenue, Tallahassee; Palm Beach Dramaworks Studio Theatre, 322 Banyan Boulevard, West Palm Beach; Myers and Full Law Offices, 2822 Remington Green, Tallahassee; Americas Software Corporation, 222 S. W. 15th Road, Miami; Pine Hills Head Start, 6400 Jennings Road, Orlando; SPI Club, 320 Lincoln Road, Miami Beach; Upstairs (Formerly, the Grove), 111 West College Avenue, Tallahassee; and Playpen South, 23101 South Dixie Highway, Miami.

5:00 p.m. – Meeting of the Accessibility Advisory Committee

DATE AND TIMES: October 13, 2003

8:30 a.m. – Meeting of the Plenary Session of the Florida Building Commission

8:40 a.m. – Rule Development Workshop on Equivalency of Test Standards and Recognition of International Code Council/IAS/IES, Rule 9B-72.100 and Rule 9B-72.180

8:55 a.m. – Workshop on Private Plans Review and Inspections

9:15 a.m. – Consideration of Technical Advisory Committee Recommendations for Approval of Statewide and Local Amendments

DATE AND TIME: October 14, 2003

8:30 a.m. – Meeting of the Plenary Session of the Florida Building Commission Continued

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and approval of August 26, 2003 Meeting Minutes, review and update Commission Workplan; Chair's Discussion Issues and Recommendations.

8:50 a.m. – Consideration of requests for waiver from accessibility code requirements: World Jet, Inc., 6101 N. W. 10th Terrace, Fort Lauderdale; Holiday Inn Family Suites Resort, 14500 Continental Parkway, Orlando; Montessori World School, 11601 Ruby Lake Road, Orlando; CVS Pharmacy, 3933 5th Avenue West, Bradenton; Dadeland Mall Parking Deck #3; 7535 S. W. 88th Street, Miami; Executive Suites, 522 Silver Slipper Lane, Tallahassee; Alpha Chi Omega Sorority House, 518 West Park Avenue, Tallahassee; Palm Beach Dramaworks Studio Theatre, 322 Banyan Boulevard, West Palm Beach; Myers and Full Law Offices, 2822 Remington Green, Tallahassee; Americas Software Corporation, 222 S. W. 15th Road, Miami; Pine Hills Head Start, 6400 Jennings Road, Orlando; SPI Club, 320 Lincoln Road, Miami Beach; Upstairs (Formerly, the Grove), 111 West College Avenue, Tallahassee; and Playpen South, 23101 South Dixie Highway, Miami.

9:20 a.m. – Legal Reports and Petitions for declaratory statement:

Second Hearing:

DCA03-DEC-131 by Alfonso Fernandez-Fraga of Initial Engineers

DCA03-DEC-196 by Grant E. Tolbert of Hernando County Dev. Dept.

DCA03-DEC-219 by Peter K. Coleman of Weathermaster Building Products Inc.

DCA03-DEC-222 by Suzanne T. Graham of American Pest Control Management

DCA03-DEC-223 by Leonard A. Tylka Jr of LTL Associates Inc.

First Hearing:

DCA03-DEC-173 by Timothy J. Orie of Superior Aluminum Installations

DCA03-DEC-179 by James E. Agen of Wilson Window Glass & Mirror

DCA03-DEC-247 by George Hegedus of Structural Systems, Inc.

DCA03-DEC-261 by Robert Andrews of Broward County

9:40 a.m. – Consideration of Committee Reports and Recommendations: Mechanical TAC Report; Structural TAC Report; and Product Approval/Prototype Buildings/Manufactured Buildings Program Oversight Committee Report.

10:55 a.m. – Consideration of Technical Advisory Committee Recommendations for Approval of Statewide and Local Amendments Continued.

Upon Completion of Consideration of Statewide and Local Amendments.

Receive public comment.

A copy of the Committee and Commission meeting agendas and other documents may be obtained by sending a request in writing to: Betty Stevens, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Fax (850)414-8436, or looking on the web site at www.floridabuilding.org

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Kathryn Willis at the Department of Community Affairs (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF LAW ENFORCEMENT

The Region XIV, **Advisory Council** announces a meeting to which all interested parties are invited:

DATE AND TIME: Thursday, October 2, 2003, 9:00 a.m.

PLACE: Room 9118, School of Justice, Miami Dade College, 11380 N. W. 27th Ave., Miami, FL 33167

Contact person is: Josefina de Lage, Secretary of the Region XIV, (305)237-1329

DEPARTMENT OF TRANSPORTATION

The **Florida Transportation Commission** announces public meetings to which all persons are invited:

DATE AND TIME: October 17, 2003, 8:00 a.m. – 12:00 Noon

PLACE: Jacksonville Council Chambers, 1st Floor, 117 W. Duval St., City Hall, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: Joint Meeting of the Florida Transportation Commission and TEAMFL.

DATE AND TIME: October 17, 2003, 1:15 p.m. – 5:00 p.m.

PLACE: Jacksonville Council Chambers, 1st Floor, 117 W. Duval St., City Hall, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Florida Transportation Commission.

Information may be obtained by contacting: Florida Transportation Commission, Room 176, M.S. 9, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4105.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings are asked to advise the Commission at least 48 hours before the meetings by contacting: Cathy Goodman, (850)414-4105.

Sarasota County and the **Department of Transportation**, District 1 announces a public hearing to which all persons are invited:

DATE AND TIMES: Tuesday, October 21, 2003; 6:00 p.m. – 7:00 p.m. – Open House; 7:00 p.m. – Public Hearing

PLACE: Covenant Life Presbyterian Church, 8490 McIntosh Road, Sarasota, FL 34238

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic, and environmental effects of a proposed interchange at the Central Sarasota Parkway and Interstate 75 (I-75) in Sarasota County, Financial Project ID No. 410970-1-24-01, otherwise known as the Central Sarasota Parkway Interstate 75 (I-75) Interchange Project Development and Environment (PD&E) Study. The study includes the extension of Central Sarasota Parkway from Honore Avenue eastward to a new limited-access interchange at I-75.

Anyone needing project or public hearing information or special accommodations under the Americans with Disabilities Act of 1990 should contact: Robert Fakhri, Sarasota County Project Manager, (941)861-0942 or e-mail: rfakhri@scgov.net. Special accommodations requests under the Americans Disabilities Act should be made at least seven (7) days prior to the public hearing.

A copy of the agenda may be obtained by contacting: Mr. Fakhri.

The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: October 9, 2003, 8:30 a.m.

PLACE: Department of Highway Safety and Motor Vehicles, Neil Kirkman Building, 2900 Apalachee Parkway, Conference Room A-339, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or person under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance or to violations of safety regulations.

Any person aggrieved by the imposition of a civil penalty pursuant to Sections 316.3025 or 316.550, Florida Statutes, may apply to the Commercial Motor Vehicle Review Board for a modification, cancellation or revocation of the penalty.

Anyone needing an agenda or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to the address given below or call Rosa Seabrooks, (850)922-4483.

Special accommodation requests under the Americans With Disabilities Act should be made at least 48 hours prior to the public meeting.

A copy of the agenda may be obtained by writing: Rosa Seabrooks, Executive Secretary, Commercial Motor Vehicle Review Board, 1815 Thomasville Road, Tallahassee, FL 32303-5750.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the **Board of Trustees of the Internal Improvement Trust Fund** are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** will conduct public hearings in the service territories of Verizon, Sprint, and BellSouth to elicit public testimony regarding these companies' petitions filed pursuant to Section 364.164, Florida Statutes. (Dockets Nos. 030867-TL, 030868-TL, and 030869-TL, respectively). Public testimony will be received relating to the factors outlined in the statute that the Commission must consider in making its decision in this matter. The public hearings will be conducted in the locations set forth below on the identified dates.

DATE AND TIME: October 1, 2003, 6:30 p.m.

PLACE: Duval County School Board, 1st Floor Board Room, 1701 Prudential Drive, Jacksonville, FL

DATE AND TIME: October 2, 2003, 6:30 p.m.

PLACE: Orlando City Council Chambers, Orlando City Hall, 400 South Orange Avenue, Orlando, FL

DATE AND TIME: October 3, 2003, 1:00 p.m.

PLACE: Robert J. Arenal Conference Center, 26th Floor, 601 E. Kennedy Blvd., Tampa, FL

DATE AND TIME: October 8, 2003, 6:30 p.m.

PLACE: Broward County Governmental Center, Commission Chambers, Room 422, 115 S. Andrews Avenue, Ft. Lauderdale, FL

DATE AND TIME: October 9, 2003, 6:30 p.m.

PLACE: Charlotte County Commission Chambers, 18500 Murdock Circle, Port Charlotte, FL

DATE AND TIME: October 13, 2003, 6:00 p.m. (Central Time)

PLACE: Hagler Auditorium, Room 252, Pensacola Jr. College, 1000 College Blvd., Pensacola, FL

DATE AND TIME: November 4, 2003, 9:30 a.m.
PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 148, Tallahassee, FL

The Florida **Public Service Commission** announces the rescheduling of an Internal Affairs Meeting originally scheduled for October 6, 2003, 9:30 a.m.:
DATE AND TIME: October 6, 2003, 9:00 a.m.
PLACE: The Betty Easley Conference Center, Conference Room 140, 4075 Esplanade Way, Tallahassee, Florida

NOTICE IS HEREBY GIVEN by the Florida **Public Service Commission** that an Issues Identification Conference has been scheduled in Docket Nos. 030851-TP, Implementation of Requirements Arising From FCC Triennial UNE Review: Local Circuit Switching for Market Customers and 030852-TP, Implementation of Requirements Arising from FCC Triennial UNE Review: Location-Specific Review for DS1, DS3 and Dark Fiber Loops, Route-Specific Review for DS1, DS3 and Dark Fiber Transport as follows:
DATE AND TIME: Monday, October 6, 2003, 11:00 a.m.
PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32399
GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose is to identify the issues to be addressed in these proceedings. The prehearing officer may rule from the bench on any disputed issues. Parties must file in the Dockets their proposed list of issues September 29, 2003.
For additional information, please contact: Adam Teitzman, Office of the General Counsel, (850)413-6175.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Executive Office of the Governor, Office of Policy and Budget** announces a series of public hearings to which all interested persons are invited.

The times and locations are provided below for each policy area/agency:

Health and Human Services (Agency for Health Care Administration, Department of Children and Families, Department of Elder Affairs, Department of Health, and Department of Veterans' Affairs)

DATE AND TIME: Tuesday, September 30, 2003, 1:00 p.m. – 3:30 p.m.

PLACE: Room 117, Knott Building, Tallahassee, FL
Environmental (Department of Agriculture and Consumer Services, Department of Citrus, Department of Environmental Protection, and Fish and Wildlife Conservation Commission)

DATE AND TIME: Tuesday, September 30, 2003, 3:30 p.m. – 5:00 p.m.

PLACE: Room 117, Knott Building, Tallahassee, FL

Public Safety (Department of Corrections, Department of Highway Safety and Motor Vehicles, Department of Juvenile Justice, Department of Law Enforcement, Department of Legal Affairs, Department of Military Affairs, Justice Administration Commission, and Parole Commission)

DATE AND TIME: Tuesday, September 30, 2003, 1:00 p.m. – 4:00 p.m.

PLACE: Room 2107, Capitol Building, Tallahassee, FL
Education (Department of Education)

DATE AND TIME: Tuesday, September 30, 2003, 4:00 p.m. – 5:00 p.m.

PLACE: Room 2107, Capitol Building, Tallahassee, FL
Transportation, Economic Development and General Government (Agency for Workforce Innovation, Department of Business and Professional Regulation, Department of Community Affairs, Housing Finance Corporation, Department of Financial Services, Department of Lottery, Department of Management Services, Department of Revenue, Department of State, Department of Transportation, Executive Office of the Governor, and Public Service Commission)

DATE AND TIME: Tuesday, September 30, 2003, 1:00 p.m. – 5:00 p.m.

PLACE: Room 2103, Capitol Building, Tallahassee, FL
GENERAL SUBJECT MATTER TO BE CONSIDERED: Representatives from the departments listed will present an overview of the agency's Legislative Budget Request for Fiscal Year 2004-2005, and Long-Range Program Plan for Fiscal Year 2004-2005 through Fiscal Year 2008-2009, and will be available for public questions and comments.

Written comments may be submitted to the representatives of the Office of Policy and Budget at the proceeding or mailed to the Executive Office of the Governor, Donna Arduin, Director, Office of Policy and Budget, The Capitol, Tallahassee, Florida 32399-0001, by September 30, 2003.

Volunteer Florida, the **Governor's Commission on Volunteerism and Community Service**, is pleased to announce a public conference call to which all persons are invited.

DATES AND TIMES: Thursday, October 2, 2003, 2:00 p.m.

PLACE: Call (850)921-5172 for call-in number and pass code

GENERAL SUBJECT MATTER TO BE CONSIDERED: CEO Search Committee workshop.

Please contact Gwen Erwin, 401 S. Monroe Street, Tallahassee, FL 32301-2034, for a copy of the agenda.

If you require a reasonable accommodation to participate in the conference call, please contact Gwen Erwin, (850)921-5172, Voice/TTY, 72 hours in advance with your request.

The **Governor's Commission on Volunteerism and Community Service**, Volunteer Florida, is pleased to announce a meeting to which all persons are invited.

DATES AND TIMES: Monday and Tuesday, October 6-7, 2003, all day

PLACE: Elliot Building, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: CEO Search Committee interviews. Interview times may vary. Please contact: Gwen Erwin, 401 S. Monroe Street, Tallahassee, FL 32301-2034, for exact times.

If you require a reasonable accommodation to participate, please contact Gwen Erwin, (850)921-5172, Voice/TTY, 72 hours in advance with your request.

REGIONAL PLANNING COUNCILS

The **Central Florida Regional Planning Council** will hold its public meeting and the Council's Executive Committee meeting, to which all persons are invited:

DATE AND TIME: Wednesday, October 8, 2003, 9:30 a.m.

PLACE: Bob Crawford Agriculture Center, 605 East Main Street, Suite 106, Bartow, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meeting of the Council and its Executive Committee.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Regional Business Alliance** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 8, 2003, 2:00 p.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting to discuss regional issues impacting South Florida.

A copy of the agenda may be obtained by writing: The Broward Workshop, 2740 East Oakland Park Boulevard, Suite 206, Fort Lauderdale, Florida 33306.

The Regional Business Alliance is comprised of business and elected leaders from Monroe, Miami-Dade, Broward, Palm Beach, and Martin Counties, including members of the South Florida Regional Transportation Authority and South Florida Regional Planning Council.

If you are hearing or speech impaired, please contact South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the meeting above.

If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces the following public meetings and hearings which may be conducted by means of or in conjunction with communications technology. All persons are invited.

CHAIRMEN (GOVERNING BOARD AND COMMITTEES)

DATE AND TIME: Tuesday, October 7, 2003, 8:15 a.m.

PLACE: District Headquarters, 4049 Reid Street, Hwy. 100, West, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

FINANCE AND ADMINISTRATION COMMITTEE

DATE AND TIME: Tuesday, October 7, 2003, 10:00 a.m.

PLACE: District Headquarters, 4049 Reid Street, Hwy. 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Finance and Administration agenda items followed by committee recommendations to be approved by the full Governing Board. Staff will recommend approval of external budget amendments which affect the adopted budget.

REGULATORY COMMITTEE

DATE AND TIME: Tuesday, October 7, 2003, 10:00 a.m.

PLACE: District Headquarters, 4049 Reid Street, Hwy. 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Regulatory agenda items followed by committee recommendations to be approved by the full Governing Board.

GOVERNING BOARD/REGULATORY AND PUBLIC HEARING ON LAND ACQUISITION

DATE AND TIME: Tuesday, October 7, 2003, 1:00 p.m.

PLACE: District Headquarters, 4049 Reid Street, Hwy. 100, West, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

GOVERNING BOARD*

DATE AND TIME: Wednesday, October 8, 2003, 9:00 a.m.

*Please note: October 8 meeting subject to cancellation if all business concluded on October 7.

PLACE: District Headquarters, 4049 Reid Street, Hwy. 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of other District business including regulatory and non-regulatory matters.

NOTE: In the event of a declared emergency or emergency conditions due to an imminent tropical storm or hurricane, all or part of these meetings may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained at the SJRWMD website (www.sjrwmd.com) or by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429. Any item which appears on the agenda for the Governing Board, Regulatory, and/or Committee meetings may be considered on day one or day two.

Day two subject to cancellation if all items completed on day one. The order of items appearing on the agenda is subject to change during the meetings.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours in advance (call (386)329-4500). If you are hearing or speech impaired, please contact the District by calling (386)329-4450 (TDD).

If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The **Southwest Florida Water Management District** announces the following public meeting to which all interested persons are invited.

WELL DRILLERS ADVISORY COMMITTEE

DATE AND TIME: Wednesday, October 15, 2003, 1:30 p.m.

PLACE: Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL

GENERAL SUBJECT MATTER TO BE DISCUSSED: Consideration of Committee Business.

Some members of the District's Governing and Basin Boards may attend the meeting.

A copy of the agenda for the above meeting may be obtained by writing: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should call 1(800)423-1476 (Florida) or (352)796-7211, Extension 4604, Fax (352)754-6874, TTD ONLY 1(800)231-6103 (Florida).

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: October 8, 2003, 9:00 a.m. – complete

PLACE: The Westin Beach Resort, 97000 Overseas Highway, 97000 Overseas Highway, Key Largo, FL 33037

DATE AND TIME: October 9, 2003, 9:00 a.m. – complete

PLACE: The South Florida Water Management Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board Workshop/Meeting/Audit Committee/Human Resources Committee to discuss and consider District business including regulatory and non-regulatory matters.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Garrett Wallace, District Clerk's Office, (561)682-6371 District Headquarters, 3301 Gun Club Road, Mail Stop Code 6115, West Palm Beach, FL 33406.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: October 2, 2003, 9:30 a.m.

PLACE: Pavese, Haverfield, Dalton, Harrison & Jensen, LLP, 461 South Main Street, LaBelle, Florida 33975

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Land Resources Committee of the South Florida Water Management District's Governing Board to discuss Land Resources issues

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary

for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Garrett Wallace, District Clerk's Office, (561)682-6371 District Headquarters, 3301 Gun Club Road, Mail Stop Code 6115, West Palm Beach, FL 33406.

The **South Florida Water Management District** announces a private closed door attorney-client session:

DATE AND TIME: Wednesday, October 8, 2003, 9:00 a.m. – completed

PLACE: Westin Hotel, 97000 Overseas Highway, Key Largo, FL 33037

DATE AND TIME: Thursday, October 9, 2003, 8:30 a.m. – completed

PLACE: B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406 (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8) (2001), to discuss strategy related to litigation expenditures in *Miccosukee Tribe of Indians, et al. v. Florida Department of Environmental Protection, et al.*, Florida Division of Administrative Hearings, Case No. 03-2872. The subject matter shall be confined to the pending litigation.

ATTENDEES: Governing Board Members I. Bague, P. Brooks-Thomas, M. Collins, H. English, N. Gutiérrez, L. Lindahl, K. McCarty, H. Thornton, T. Williams; Executive Director H. Dean; District attorneys S. Wood, D. MacLaughlin, S. Echemendia, Kirk Burns and Luna Phillips.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record.

A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 6115, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Those who want more information, please contact: Paula Moree, Deputy District Clerk, Office of District Clerk, District Headquarters, 3301 Gun Club Road, Mail Stop Code 6115, West Palm Beach, FL 33406, (561)682-6447.

The **South Florida Water Management District** announces a private closed door attorney-client session:

DATES AND TIME: Wednesday, October 8, 2003, 9:00 a.m. – completed

PLACE: Westin Hotel, 97000 Overseas Highway, Key Largo FL 33037

DATE AND TIME: Thursday, October 9, 2003, 8:30 a.m. – completed

PLACE: South Florida Water Management Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406 (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8) (2001), to discuss strategy related to litigation expenditures in *United States of America v. South Florida Water Management District et al.*, United States District Court, Southern District of Florida, Case No. 88-1886-Civ-Hoeveler. The subject matter shall be confined to the pending litigation.

ATTENDEES: Governing Board Members I. Bague, P. Brooks-Thomas, M. Collins, H. English, N. Gutiérrez, L. Lindahl, K. McCarty, H. Thornton, T. Williams; Executive Director H. Dean; District attorneys S. Wood, S. Glazier, D. MacLaughlin, S. Echemendia.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 6115, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Those who want more information, please contact: Paula Moree, Deputy District Clerk, Office of District Clerk, District Headquarters, 3301 Gun Club Road, Mail Stop Code 6115 West Palm Beach, FL 33406, (561)682-6447.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The **Florida Commission for the Transportation Disadvantaged** announces a CTC, Taxi, Consensus and Teambuilding (CTCT) Group Meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 1, 2003, 10:00 a.m. – completion

PLACE: Marion County Transit, 1644 N. E. 22nd Ave., Ocala, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general business of the group.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting should contact: Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only).

The meeting is subject to change upon chairperson's request.

The **Florida Commission for the Transportation Disadvantaged** announces an emergency LYNX Oversight Committee Meeting to which all persons are invited.

DATE AND TIME: Friday, October 3, 2003, 1:00 p.m. – completion

PLACE: Metroplan Orlando Office, One Landmark Center, Suite 355, Orlando, Florida 32801, (407)481-5672

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss findings of the committee.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only).

The meeting is subject to change upon chairperson's request.

FLORIDA SPACE AUTHORITY

The **Florida Aerospace Finance Corporation** (FAFC) announces a Board of Directors meeting and teleconference to which the public is invited.

DATE AND TIME: September 30, 2003, 10:00 a.m. – 12:00 Noon

PLACE: Enterprise Florida, Inc. (EFI), 390 North Orange Avenue, Suite 1300, Orlando, Florida (EFI has reserved one of their conference rooms for the FCSFC Board Meeting to be posted on site) To attend via telephone call 1(866)249-5325, participant code 393255

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors will meet to review general board business, ratifications of agreements, financings, guarantees, budgets, procedures and to consider other proposed matters related to the business of the Corporation.

For more information, contact: Mr. Frank DiBello, (321)690-3397.

To obtain a copy of the agenda write: The Florida Commercial Space Financing Corporation, 403 Brevard Avenue, Suite 1, Cocoa, Florida 32922.

Any person requiring special accommodations at this meeting because of disability or physical impairment should contact the Florida Aerospace Finance Corporation.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceeding, which record includes the testimony and evidence upon which the appeal is to be based.

DEPARTMENT OF MANAGEMENT SERVICES

The Electronic Information Accessibility Testing Team of the **Governor's Working Group on the Americans with Disabilities Act** (ADAWG) will continue to hold its bi-weekly meetings on:

DATES AND TIME: October 15, 2003; October 29, 2003 and November 12, 2003, 9:00 a.m. – 11:00 a.m.

PLACE: Department of Management Services, 4050 Esplanade Way, Conference Room 160J, Tallahassee, FL 32399

If you need more information or require disability accommodations, contact: Fenglan Yu, (850)921-4187. Those who request disability accommodations need to provide their names and describe their special needs. The cut-off date for disability accommodation requests is two weeks prior to each meeting.

The **Florida Black Business Support Corporation** announces teleconference meetings, for the next quarter, of its Loan Investment Committee to which all interested persons are invited.

DATES AND TIME: Thursday, October 9, 2003; Thursday, November 13, 2003; Thursday, December 11, 2003, 2:00 p.m.

PLACE: Teleconference – Call (850)487-4850

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider financing requests, receive reports relating to loan and investment activities, and approve actions taken by the Chairman and/or President under delegated authority.

A copy of the agenda may be obtained by contacting: The Florida Black Business Support Corporation, 1711 South Gadsden Street, Tallahassee, FL 32301, (850)487-4850.

If a person decides to take an appeal with respect to any matter considered at these meetings, he/she will need a record of the proceedings and, for such purpose, he/she may need to ensure that verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

If an accommodation is needed for a disability in order to attend these meeting, please notify the FBBSC Office, (850)487-4850, at least seven (7) days prior to the meetings.

DRAFT AGENDA: 1. Call to Order; 2. Roll Call of Members; 3. Approval of Minutes; 4. Reports of Officers; 5. Old Business; 6. New Business; 7. Adjournment.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida **Mobile Home Relocation Corporation** announces a meeting of its Board of Directors to consider mobile home owner applications for compensation and relocation due to eviction for change of land use.

DATE AND TIME: Thursday, October 2, 2003, 1:00 p.m.

PLACE: Del Tura, 18621 North Tamiami Trail, North Ft. Myers, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Florida Mobile Home Relocation Corporation. Review of mobile home owner applications for compensation for relocation and/or abandonment due to eviction for change in land use, and such other business as may come before the board. A schedule of the next meeting will also be determined.

Additional information may be obtained by contacting: Connie Prince, Executive Director, Florida Mobile Home Relocation Corporation, P. O. Box 14125, Tallahassee, Florida 32317-4125, 1(888)862-7010.

NOTICE OF CORRECTION – The Florida **Board of Architecture and Interior Design** announces the following meeting, to be held by telephone conference, to which all persons are invited to attend. This is a correction notice for the published October 2, 2003 meeting.

DATE AND TIME: October 6, 2003, 10:00 a.m., Eastern Standard Time

PLACE: Telephone (850)410-0966 or Suncom 210-0966

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business Meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Architecture and Interior Design, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)487-8304, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Business and Professional Regulation** announces a public meeting of the Florida **Board of Cosmetology** to which all persons are invited to participate.

DATE AND TIME: Sunday, October 26, 2003, 9:00 a.m.

PLACE: DoubleTree Guest Suites Tampa Bay, 3050 North Rocky Point Drive, West, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the board to conduct regular board business.

A copy of the agenda may be obtained by writing: Florida Board of Cosmetology, 1940 North Monroe Street, Suite #60, Tallahassee, Florida 32399-0790.

If a person decides to appeal any decision made by the board with respect to any matter considered at this meeting or hearing, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing or speech impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Professional Surveyors and Mappers** announces a Probable Cause Panel meeting. All interested parties are invited to attend at the address listed below.

DATE AND TIME: October 8, 2003, 3:00 p.m.

PLACE: Hawthorn, 7450 Augusta National Drive, Orlando, Florida 32561

GENERAL SUBJECT MATTER TO BE CONSIDERED: Reconsider Case number 2001-7236.

A copy of the agenda may be obtained by writing: Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida or by calling Juanita Chastain, (850)487-8309.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least forty-eight (48) hours before the meeting by contacting: Juanita Chastain, (850)487-8309. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by the Board with respect to any matter considered at this meeting, will need a record of the proceedings, which record shall include all testimony and evidence upon which the appeal is based; and, for such purpose may need to ensure that a verbatim record of the proceedings is made.

The **Florida Real Estate Appraisal Board (FREAB)** announces a meeting to which all persons are invited.

DATE and TIME: October 7, 2003, 8:30 a.m.

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 901, Ninth Floor, North Tower, 400 West Robinson Street, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Appraisal Board – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part II, F.S., rule development workshops, Florida Administrative Code 61J1 rule amendments, disciplinary actions and general subject matter.

If a person decides to appeal a decision made by the Board, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)481-5632, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Ashley Dashnaw, Regulatory Specialist III, Florida Real Estate Appraisal Board, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

The Probable Cause Panel of the **Florida Real Estate Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: October 14, 2003, 9:30 p.m. or the soonest thereafter (Portions of the probable cause proceedings are not open to the public)

PLACE: Zora Neale Hurston Building, North Tower, Suite 901N, 400 West Robinson Street, Orlando, Florida 32801

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)245-0800 (between the hours of 8:30 a.m. – 4:00 p.m.) at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Division using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Real Estate Commission (FREC)** announces a public meeting to which all persons are invited.

DATES AND TIMES: Tuesday, October 14, 2003, 1:00 p.m.; reconvene Wednesday, October 15, 2003, 8:30 a.m.

PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, and disciplinary actions.

If a person decides to appeal a decision made by the Commission, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

A copy of the agenda may be obtained by writing: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite 802, Orlando, Florida 32801-1772.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)245-0800, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Regulatory Council of Community Association Managers** announces the following general business meeting to which all persons are invited.

DATE AND TIME: October 20, 2003, 10:00 a.m. (EST)

PLACE: Department of Business and Professional Regulations, Northwood Center, 1940 North Monroe Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Council.

A copy of the agenda may be obtained by writing: The Regulatory Council of Community Association Managers, 1940 North Monroe Street, Tallahassee, Florida 32399 or by calling (850)922-6096.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least forty-eight (48) hours before the meeting by contacting (850)922-6096. If you are hearing and speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the **Department of Environmental Protection** are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

The **Department of Health**, Bureau of Emergency Medical Services (EMS) invites the public to attend the following Grant Writing Workshop.

DATE AND TIME: October 8, 2003, 9:30 a.m. – 11:00 a.m.

PLACE: Double Tree Hotel, Tampa Westshore, Pinewood Room, 4500 West Cypress Street, Tampa, Florida 33607

DATE AND TIME: October 21, 2003, 9:00 a.m. – 11:00 a.m.

PLACE: Broward County Emergency Operations Center, Room 332-B, 201 Northwest 84th Ave., Plantation, Florida 33324

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a grant writing workshop for Emergency Medical Service (EMS) providers and other eligible organizations. The grant workshop will be conducted to provide training and information to potential grant applicants about the Florida EMS matching grant program.

There is no cost or pre-registration for this workshop.

ASSISTANCE: Any person requiring special accommodations at this workshop because of a disability or physical impairment should contact Ms. Donna Bruce, Florida Bureau of Emergency Medical Services, (850)245-4440, Extension 2782, at least 48 hours prior to the meeting.

If you are hearing or speech impaired, please call the Bureau of Emergency Medical Services using the Florida Dual Party Relay System, 1(800)955-8770 (Voice), 1(800)955-8771 (TDD).

The person to be contacted regarding the workshop is: Ed Wilson, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738, (850)245-4440, Extension 2737, e-mail: Ed_Wilson@doh.state.fl.us.

P. O. #QT0020

The **Department of Health, Board of Hearing Aid Specialists**, announces a telephone conference call. All interested parties are invited to attend with the information listed below, which is normally open to the public.

DATE AND TIME: October 6, 2003, 4:00 p.m.

PLACE: Call (850)245-4474 to inquire about call-in number

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster, (850)245-4474, at least one week prior to meeting date.

The Florida **Board of Massage Therapy** will hold the following meeting to which all persons are invited:

DATES AND TIMES: Thursday, October 16, 2003, 9:00 a.m. or shortly thereafter; Friday October 17, 2003, 9:00 a.m. or shortly thereafter

PLACE: The Embassy Suite Hotel, 110 S. E. 17th Street, Ft. Lauderdale, FL 33316, (954)527-2700

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records includes the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256 or (850)488-0595. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Christy Robinson, (850)488-0595, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Christy Robinson using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Probable Cause Panel of the **Board of Massage Therapy** announces a meeting:

DATE AND TIME: Wednesday, October 15, 2003, 6:00 p.m. or soon thereafter

PLACE: The Embassy Suite Hotel, 110 S. E. 17th Street, Ft. Lauderdale, FL 33316, (954)527-2700

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Brian Stabley, Senior Attorney, Department of Health, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Practitioner Regulation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Practitioner Regulation Section may be contacted at 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399, 1(800)955-8771 (TDD) or 1(800)955-8770 via Florida Relay Service.

The Florida **Board of Medicine**, Probable Cause Panel (South) announces a telephone conference call to be held via meet me number.

DATE AND TIME: October 10, 2003, 2:00 p.m.

PLACE: Meet Me Number (850)488-5776, Suncom 278-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 322317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The Florida **Board of Medicine**, Probable Cause Panel (North) announces a telephone conference call to be held via meet me number.

DATE AND TIME: October 24, 2003, 2:00 p.m.

PLACE: Meet Me Number (850)488-5778, Suncom 278-5778

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 322317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The **Department of Health, Division of Medical Quality Assurance**, Florida **Board of Medicine**, Probationers Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 24, 2003, 9:00 a.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

A copy of the agenda may be obtained by writing: Timothy Callaghan, Compliance Officer, Department of Health, Division of Medical Quality Assurance, Client Services Unit, 4052 Bald Cypress Way, Bin #C01, Tallahassee, FL 32399-3251.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting, he will need a record of the proceeding, and for such purpose, he may need to insure that a verbatim proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Timothy Callaghan, (850)245-4444, Ext. 3547, at least 10 calendar days prior to the meeting. If you are hearing or speech impaired, please call Mr. Callaghan using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Pharmacy**, Negative Drug Formulary Committee announces a public meeting to which all persons are invited.

DATE AND TIME: October 9, 2003, 2:00 p.m.

PLACE: Teleconference Meeting (850)921-6623, Suncom 291-6623

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to conduct general business.

A copy of the board agenda materials, which are open to the public, may be obtained by writing to Lucy Gee, Interim Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Garnet Keller, (850)245-4614, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Council of Licensed Midwifery** announces a meeting to which all interested persons are invited to attend.

DATE AND TIME: Friday, October 10, 2003, 9:00 a.m. or soon thereafter

PLACE: Contact: Council of Licensed Midwifery, (850)245-4161, for the meet me number

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Council of Licensed Midwifery, (850)245-4161, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Council of Licensed Midwifery, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Bureau of Emergency Medical Services**, announces a public meeting to which all persons are invited.

DATE AND TIME: October 8, 2003, 11:30 a.m. – 1:30 p.m.

PLACE: Doubletree Hotel Tampa Westshore, 4500 West Cypress Street, Tampa, Florida 33607, (813)879-4800, 1(800)355-0524, Toll Free Number to call into meeting 1(888)461-8118

GENERAL SUBJECT MATTER TO BE CONSIDERED: A committee appointed by the Bureau of Emergency Medical Services is holding a meeting to assist the Department of Health in the implementation of the 1999 trauma legislation which requires the development of criteria for the consultation and transfer of trauma victims between trauma centers and acute care hospitals.

A copy of the agenda may be obtained by writing: Department of Health, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C18, Tallahassee, FL 32399-1738 or by calling George Schaffer, (850)245-4440.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency before October 1, 2003, by contacting: George Schaffer, (850)245-4440. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD). Purchase Order Number B00829.

The **Department of Health, Bureau of Emergency Medical Services** announces a public meeting to which all persons are invited.

DATE AND TIME: October 8, 2003, 2:00 p.m. – 4:00 p.m.

PLACE: Doubletree Hotel Tampa Westshore, 4500 West Cypress Street, Tampa, Florida 33607, (813)879-4800, 1(800)355-0524, Toll Free Number to call into meeting: 1(888)461-8118

GENERAL SUBJECT MATTER TO BE CONSIDERED: A subcommittee (Trauma Agency/Trauma System Evaluation Subcommittee), appointed by the State Trauma System Plan Implementation Committee, is holding a meeting to assist the Department of Health in the implementation of a trauma system evaluation tool to evaluate trauma care in areas of the state that do not have trauma agencies.

A copy of the agenda may be obtained by writing: Department of Health, Bureau of Emergency Medical Services, at 4052 Bald Cypress Way, Bin #C18, Tallahassee, FL 32399-1738 or by calling George Schaffer, (850)245-4440.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this conference call is asked to advise the agency before October 1, 2003, by contacting: George Schaffer, (850)245-4440. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD). Purchase Order Number B00829.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Florida **Department of Children and Family Services** announces a meeting of the Hernando County Community Alliance to which all persons are invited.

DATE AND TIME: Wednesday, October 8, 2003, 9:00 a.m.

PLACE: Enrichment Center, 1244 Mariner Blvd., Spring Hill, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Chapter 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785. Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, telephone (352)330-2177.

The Florida **Department of Children and Family Services** announces a meeting of the Lake County Community Alliance to which all persons are invited.

DATE AND TIME: Wednesday, October 15, 2003, 12:00 Noon

PLACE: Public Safety Complex, Room. 302, 12900 Lane Park Cutoff Road, Tavares, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Chapter 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785. Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, telephone (352)330-2177.

The **Department of Children and Family Services, Substance Abuse and Mental Health Program Office**, announces a public meeting to which all persons are invited:

DATE AND TIME: October 20, 2003, 9:00 a.m. – 12:00 Noon

PLACE: Hurston Building (South Tower), Conference Room C, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department is seeking public input and information regarding the development of the District 7 Substance Abuse/Mental Health Annual Plan for fiscal year 2004-2005.

AGENDA: I. Introductions; II. Purpose; III. Open Floor for Public Comment/Input regarding Substance Abuse and Mental Health Service Provision in District 7; IV. Adjourn.

NOTE: Persons with disabilities requiring accommodations in order to participate in this event should contact the following person(s) by telephone or in writing: Anna Fedeles, 400 West Robinson Street, S930, Orlando, Florida 32801,

(407)245-0420 or 1(800)955-8771 (TDD/TTY) or 1(800)955-8770 (Voice), by close of business (5:00 p.m.) on Thursday, October 16, 2003.

FOR FURTHER INFORMATION CONTACT: Anna Fedeles, 400 West Robinson Street, Suite S930, Orlando, Florida 32801, (407)245-0420

The **Nassau County Community Alliance** announces public meetings to which all persons are invited:

Full Alliance Meeting

DATE AND TIME: Third Monday of each month, 2:00 p.m. – 4:00 p.m.

PLACE: 479 Felmore Road, Yulee, Florida

Committee meetings are held Mondays at 1:00 pm as needed at the same location, unless otherwise posted.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Community-based care for all citizens and prevention planning.

Please call Debbi Thomas, (904)723-5880 or TDD (904)724-8606, for confirmation of meeting time and location or if special accommodations are required.

The Florida **Department of Children and Family Services** announces a meeting of the Citrus County Shared Services Alliance Steering Committee to which all persons are invited.

DATE AND TIME: Thursday, October 23, 2003, 10:00 a.m.

PLACE: Citrus County School Board Office, 1007 W. Main Street, Inverness, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation and governance of community based services, Chapter 20.19(6), F.S.

A copy of the agenda may be obtained by writing: Mona Terry, Box 80-O, 1601 W. Gulf-Atlantic Hwy., Wildwood, FL 34785. Persons needing special accommodations to participate in this proceeding should contact the agency no later than five working days prior to the meeting, telephone (352)330-2177.

The **Council on Homelessness** announces a series of conference call meetings of its Barriers and Support Services, Data Collections, Discharge Planning, Supportive Housing Development, and Planning Committees, to which all persons are invited.

COMMITTEE: Barriers and Support Services

DATES AND TIME: Tuesday, October 7, 2003; November 4, 2003, 2:00 p.m. – 3:00 p.m.

PLACE: Call (850)488-0979 or Suncom 278-0979

COMMITTEE: Data Collections

DATES AND TIME: October 9, 2003; November 13, 2003; December 11, 2003, 11:00 a.m. – 12:00 Noon

PLACE: Call (850)488-8713 or Suncom 278-8713

COMMITTEE: Discharge Planning

DATES AND TIME: Tuesday, October 28, 2003; November 25, 2003, 10:00 a.m. – 11:00 a.m.

PLACE: Call (850)488-5778 or Suncom 278-5778

COMMITTEE: Planning

DATES AND TIME: October 6, 2003; November 3, 2003, 3:00 p.m. – 4:00 p.m.

PLACE: Call (850)488-5778 or Suncom 278-5778

COMMITTEE: Supportive Housing Development

DATES AND TIME: Thursday, October 23, 2003; Monday, November 17, 2003, 2:00 p.m. – 3:00 p.m.

PLACE: Call (850)488-3676 or Suncom 278-3676

GENERAL SUBJECT MATTER TO BE CONSIDERED: These conference calls will address the committees' continued development of policy recommendations and work tasks to address the Council's Strategic Plan to reduce the number of persons who may be facing homelessness in Florida.

A copy of the agenda may be obtained by contacting: Tom Pierce, State Office on Homelessness, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)922-9850, Tom_Pierce@dcf.state.fl.us.

Pursuant to Chapter 286.26, Florida Statutes, any disabled person wishing to access this meeting who may be in need of special assistance should contact the Office on Homelessness (850)922-4691, at least 48 hours in advance of the meeting.

FLORIDA HOUSING FINANCE CORPORATION

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: Tuesday, October 7, 2003, 10:00 a.m. (EST)

PLACE: The offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Northbridge at Millenia, a 396-unit multifamily residential rental development to be located on the east side of Millenia Boulevard, 1/4 mile southeast of the intersection of Radebaugh Road and Millenia Boulevard (and north of the intersection of Oak Ridge Road and Millenia Boulevard), Orlando, Orange County, Florida 32809. The prospective owner, operator or manager of the proposed development is Northbridge at Millenia Partners, Ltd., 1551 Sandspur Road, Maitland, Florida 32751, or such successor in interest in which CED Capital

Holdings XVI, Ltd., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$32,000,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EST), Monday, October 6, 2003, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System that can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

The **Florida Housing Finance Corporation** announces a Universal Cycle Review Committee meeting for the 2003 competitive cycle to which all interested parties are invited:

DATE AND TIME: Wednesday, October 8, 2003, 9:30 a.m.

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor, Seltzer Room, Tallahassee, Florida 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: To make recommendations to the Corporation's Board of Directors regarding program participation.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Jean Salmonsens, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Corporation with respect to any matter considered at this meeting, he/she will need a record of the proceedings, and for

such purpose he/she may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

CHARLOTTE HARBOR NATIONAL ESTUARY PROGRAM

The **Charlotte Harbor National Estuary Program** announces a public meeting to which all persons are invited:

DATE AND TIME: September 29, 2003, 9:30 a.m.

PLACE: Punta Gorda Airport, Building 109, 28000 Airport Road, Punta Gorda, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Legislative Subcommittee of the Charlotte Harbor NEP Policy Committee,

A copy of the proposed agenda may be obtained by writing: Ms. Liz Donley, Charlotte Harbor NEP, 4980 Bayline Drive, 4th Floor, North Fort Myers, FL 33918-3455 or e-mail: ldonley@swfrpc.org.

Any person requiring special accommodation due to disability or physical impairment should contact Ms. Liz Donley, (239)995-1777, Ext. 234, at least five calendar days prior to the meeting. Persons who are hearing impaired should contact Ms. Donley using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

FLORIDA HEALTHY KIDS CORPORATION

The **Florida Healthy Kids Corporation** announces its Board of Directors meeting to which all persons are invited to attend.

DATE AND TIME: September 30, 2003, 11:00 a.m.

PLACE: Radisson Hotel, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Board of Directors.

Further details and an agenda for the meeting may be obtained by contacting the Florida Healthy Kids Corporation, P. O. Box 980, Tallahassee, Florida 32302 or (850)224-5437.

MIAMI-DADE LAND ADVISORY BOARD

The 2002 Legislature established the **Miami-Dade Land Acquisition and Facilities Maintenance Operations Advisory Board** to provide expert advice and assist in improving the school district's land acquisition and facilities operational processes. The Advisory Board announces the following meeting.

DATE AND TIME: October 1, 2003, 4:30 p.m. – 6:30 p.m.

PLACE: Miami Senior High School, Media Center, Second Floor, 2450 S. W. 1st Street, Miami, FL 33135, (305)649-9800

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Advisory Board will consider matters relating to Miami-Dade Land Acquisition and Facilities Maintenance Operations. These matters may include: discussion relating to release of the funds held; discussion relating to the district's construction

program, and other programs and district recommendations for increasing the efficiency of school maintenance services. The advisory board may also consider information regarding any recommendations it may make to the school district and the Commissioner of Education, as well as other information pertaining to district operations.

For additional information: Marie Bell, Executive Director, Miami-Dade Land Acquisition and Facilities Maintenance Operations Advisory Board, 1450 N. E. 2nd Avenue, Suite 915, Miami, FL 33132, (305)995-4812.

FLORIDA MUNICIPAL INSURANCE TRUST

The **Florida Municipal Insurance Trust**, an interlocal entity created pursuant to Fla. Stat. 768.28 and 163.01, announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 3, 2003, 9:30 a.m.

PLACE: Key West Hilton, 245 Front Street, Key West, FL, (305)294-4000

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business meeting of the Board of Trustees.

A copy of the proposed agenda may be obtained by contacting: Linda Bridges, Florida League of Cities, Inc., Tallahassee, FL, (850)222-9684.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is based.

ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited:

DATE AND TIME: October 8, 2003, 8:00 a.m.

PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting

COUNCIL FOR EDUCATION POLICY, RESEARCH AND IMPROVEMENT

The **Council for Education Policy, Research and Improvement** announces a public meeting.

DATE AND TIME: Wednesday, October 8, 2003, 8:30 a.m. – 4:00 p.m.

PLACE: 17th Floor, Turlington Building, 325 West Gaines Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will discuss the master plan, studies related to university contracts and workforce funding, and other current assignments.

Related material may be accessed at the Council website: www.cepri.state.fl.us.

An informal discussion will be held the evening of October 7, 2003, 5:30 p.m. – 8:00 p.m. at the Silver Slipper restaurant in Tallahassee. A conference call will be scheduled for October 23, 2003, 10:00 a.m. to address any follow-up required. The contact number will be posted on the Council website.

For further information, call the Council office, (850)488-7894.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a Petition for Declaratory Statement on September 12, 2003, from Robert G. Andrews regarding the ventilation requirements for garages under the Florida Building Code; the ventilation requirements for single-family dwellings under the Florida Building Code; and the requirements for window openings under the Florida Building Code.

It has been assigned the number DCA03-DEC-261.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a petition for declaratory statement In Re: Petition for Declaratory Statement, B.D. Fischer, River Run of Sebastian Condominium Association Inc; Docket # 2003072402.

The Petitioner request a declaratory statement as to whether River Run of Sebastian Condominium is a multicondominium as that term is defined by section 718.103(20), Florida Statutes, and/or a phase condominium under Section 718.403, Florida

Statutes, and Rule 61B-17.003, Florida Administrative Code, and what effect its status has on the association's operation and assessments for common expenses.

A copy of the Petition for Declaratory Statement, Docket Number 2003072402, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

The Board of Psychology hereby gives notice that it has received a Petition for Declaratory Statement filed by Nicole Robichaux-Keene, M.S. The Petitioner seeks the Board's interpretation of Rule 64B19-11.005, Florida Administrative Code.

The Board will consider this petition at its meeting scheduled for November 14 & 15, 2003 at the Embassy Suites, 1100 S. E. 17th Street, Ft. Lauderdale, FL 33316.

Copies of the Petition may be obtained from: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN that the Department of Financial Services (formerly the Department of Insurance), Division of State Fire Marshal, has received a Petition for Declaratory Statement filed August 2, 2003, from the Miami-Dade County Fire Department, Fire Prevention Division, c/o Donald James, Chief. The Petition is seeking the Department's interpretation of Senate Bill 592, amending Section 517.1803, Florida Statutes (and, by extension, Section 719.1055, Florida Statutes). Specifically, Petitioner asks:

- A. Does the Fire Department have the authority to enforce all life safety violations other than for fire sprinkler retrofitting during the interim period before the year 2014?

- B. Does the Fire Department have the authority to require the association to state their decision before 2014 on whether they will install or forego the retrofitting of fire sprinkler systems?
- C. If the association does not vote to forego the installation of fire sprinklers, does the Fire Department have the authority to demand a plan of action including fire sprinkler installation or an engineered life safety plan during the interim period before the year 2014?
- D. If the association has an approved existing engineered life safety plan, can the Fire Department require the association to complete the work prior to 2014?
- E. If an approved existing engineered life safety plan includes common area fire sprinkler protection, does the Fire Department have the authority to require that all portions of the life safety plan be completed prior to 2014?

A copy of the Petition may be obtained by writing, calling or sending a fax to: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604, Fax (850)922-1235 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises) or e-mailing: mazzeog@doi.state.fl.us. Please mention Fernandez-Fraga2 in your request.

Section VIII Notices of Petitions and Dispositions Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

Joel W. Robbins, The Property Appraiser of Miami-Dade County and the Miami-Dade County Value Adjustment Board vs. Department of Revenue; Case No.: 03-3164RP; Rule No.: 12D-10.0044

Gerald A. Kersenbrock vs. Jim Horne, as Commissioner of Education and Department of Education; Case No.: 03-3205RU

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

Pompano Imports, Inc. d/b/a Vista Motors and BMW of North America, Inc. vs. Department of Highway Safety and Motor Vehicles and Braman Motors, Inc.; Case No.: 03-2808RU; Dismissed

Alley Cat Allies, Inc. and Frank Hamilton and Space Coast Feline Network, Ellen Dozier, Melinda R. Buschor, Eileen Gould, Mary Price, Elvira Hasty and The Cat Network, Inc. vs. Fish and Wildlife Conservation Commission; Case No.: 03-2156RU; Dismissed

Section IX Notices of Petitions and Dispositions Regarding Non-rule Policy Challenges

NONE

Section X Announcements and Objection Reports of the Joint Administrative Procedures Committee

NONE

Section XI Notices Regarding Bids, Proposals and Purchasing

DEPARTMENT OF EDUCATION

NOTICE TO CONSTRUCTION MANAGERS

The Florida State University announces that Construction Management Services will be required for the project listed below:

Project and Location:

Project No.: BR-271

Project: West Campus Dining Facility

Location: Florida State University, Tallahassee, Florida

This project consists of a new kitchen/cafeteria facility on the west side of campus to serve students, faculty and staff. The building site is located on Call Street between Salley Hall and the Stone Building, across from the new College of Medicine. The facility is expected to be approximately 17,010 gross square feet. The project will include relocating a parking lot along with the construction of other related site improvements. The construction budget is approximately \$4,316,460 with a total anticipated project budget of \$6,020,460.

The contract for construction management will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and the development of one or more Guaranteed Maximum Prices (GMP's) at the 50% or the 100% Construction Document phase. If the GMP is accepted, phase two, the construction phase, will be

implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, encouraging the inclusion of Minority Business Enterprises (MBEs). Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement, may result in the termination of the construction manager's contract.

Selection of the finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability; critical path scheduling expertise; cost estimating; cost control ability; quality control ability; qualifications of the firm's personnel, staff and consultants. Finalists will be provided with a copy of the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the Florida State University's standard construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Instructions:

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed FSU "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$50,000 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list.

The FSU Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained on line at www.fpc.fsu.edu or by contacting: Lynetta Mills, Facilities Planning and Construction, 109 Mendenhall Maintenance

Building A, Florida State University, Tallahassee, FL 32306-4152, (850)644-2843 telephone, (850)644-8351 facsimile.

For further information or questions, please contact Daryl H. Ellison, Associate Director, (850)645-1007, at the address listed above.

Submit six (6) bound copies of the required proposal data. Submittals must be received in the FSU Facilities Planning & Construction Office by 2:00 p.m., local time, Friday, October 24, 2003. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO PROFESSIONAL CONSULTANTS

Florida A & M University (FAMU), on behalf of the FAMU Board of Trustees (FBOT), announces that Professional Services in the discipline of Architecture will be required for the following: Project No.: FM-304, Teaching Gymnasium/Multi-Purpose Center Phase One (PH-I), Florida A & M University, Tallahassee, Florida.

This will be a multi-phased project which consists of the design and construction of an 11,000-seat arena, athletic and physical education office, classrooms, conference rooms, ticket sales, VIP areas and an indoor track. This facility will be accessed by way of Osceola Street and Wahnish Way, or Adams Street. An impressive landscaped entry will accentuate the entrance to this facility, in addition there will be retention lakes and water features in strategic locations. Parking will be accommodated with an approximate 1,200-car parking lot. All overflow parking will be directed to the existing Bragg Stadium parking lot, which is within walking distance of this facility. Gaither Gym, which is currently used for teaching, will be used for Intramural Athletics.

The estimated construction budget for PH-I is \$12,000,000.

A copy of the Facility Program can be obtained at the requester's expense by calling: Target Copy @ (850)224-3007 and ask for the Manager or a Key Operator.

The selected firm will provide design, construction documents and administration for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$1,000,000 and will be provided as a part of Basic Services.

INSTRUCTIONS: Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed "Professional Qualifications Supplement" (PQS); form is to be obtained from the FAMU Facilities Planning and Construction Office. Applications on any other form will not be considered. Please Note: Minority Business Enterprise (MBE) Participation is not a requirement on this project. Any oversight or mention of it (MBE requirement) in the Instructions and/or on the "PQS" form are to be designated Non-Applicable (N/A), please disregard.

2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit six (6) ring, comb or spiral (no hard, solid or tack) bound copies of the requested data in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned. The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement (PQS) forms, descriptive project information, and selection criteria may be obtained by contacting: Samuel J. Houston, Director, Office of Facilities Planning and Construction, Florida A & M University, Plant Operations Facility, Building A, Suite 100, 2400 Wahnish Way, Tallahassee, FL 32307, Phone: (850)599-3197, Fax: (850)561-2289. Submittals must be received in the Office of Facilities Planning and Construction, by 2:00 p.m., local time, on October 29, 2003. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO CONSTRUCTION MANAGERS

The University of Central Florida, announces that construction management services will be required for the project listed below:

Project No. BR-505

Project and Location: Wayne Densch Athletic Sports Complex, University of Central Florida, Orlando, Florida 32816-3020.

Project Description: The pre-construction and construction of new athletics facilities, including all master planning, as follows:

- Athletics Administration Building
- Aquatics Center
- Baseball Stadium
- Rowing Center at Lake Pickett (off-campus site)
- East Athletics Center
- Golf Training Center
- Fieldhouse (indoor practice facility)
- Practice Fields (various)
- Softball Stadium
- Tennis Center

The new facilities will be used by various sports teams for training and competition and will also provide administrative and management spaces.

The Athletic Sports Complex (with the exception of the Rowing Center at Lake Pickett) will be located in the Northeast corner of the University of Central Florida campus, alongside Orion Boulevard and east of the existing Arena. The construction cost will be approximately \$34,000,000.00.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 75% Construction Document phase (or other phase, if applicable. If so, change this reference). If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, encouraging the inclusion of Minority Business Enterprises (MBEs). Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, staff and consultants; and ability to meet the minority business enterprise participation requirements. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard University of Central construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed University of Central Florida "Construction Manager Qualifications Supplement." Proposals must not exceed 40 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of

Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list.

The Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained by contacting: Gina Seabrook, Office of Facilities Planning, University of Central Florida, 4000 Central Florida Boulevard, Orlando, FL 32816-3020, Phone (407)823-2166, Fax (407)823-5141, Email: gseabroo@mail.ucf.edu.

The project fact sheet for the Wayne Densch Athletic Sports Complex may be found on the Facilities Planning home page. Our Internet address is: www.fp.ucf.edu.

Four (4) bound copies of the required proposal data shall be submitted to: Mr. Peter Newman, Facilities Planning, 4000 Central Florida Blvd., Post Office Box 163020, Orlando, FL 32816-3020. Submittals must be received by 5:00 p.m., local time, November 6, 2003. Facsimile (FAX) submittals are not acceptable and will not be considered. Late submissions will not be accepted.

NOTICE TO PROFESSIONAL CONSULTANTS

The Florida International University Board of Trustees, announces that professional services in the discipline of Civil Engineer and Surveying Services will be required for the project listed below:

Project and Location: Continuing Civil Engineering Services Contract and Continuing Surveying Services Contract, Florida International University, all sites, Miami, Florida

Continuing Services Contracts are specific projects for renovations, alterations, and additions that have a basic construction budget estimated to be \$1,000,000 or less, or studies for which the fee for professional services is \$100,000 or less. This will be a multiple award contract for an initial period of one year with an Owner's option to renew an additional year. One contract will be awarded for civil engineering services and one contract for surveying services. Continuing Services Contracts provide that the consultant will be available on an as-needed basis for the Fiscal Year, July 1-June 30.

Firms desiring to provide professional services shall apply by letter specifying the discipline for which they are applying. Proximity of location will be a prime factor in the selection of the firm.

Attach to each letter of application:

1. A completed (former Board of Regents) "Professional Qualifications Supplement (SUSPQS)," dated September 1999. It is the intent of FIU to encourage participation by qualified Minority Business Enterprises however, State of Florida MBE Certification is not a factor in the selection process. Disregard paragraph 4 on page 2 of the instructions. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Submit eight (8) copies of the above requested data bound in the order listed above. Applications that do not comply with the above instructions will not be considered. Application material will not be returned.

The plans and specifications for A/E projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms and the Project Fact Sheet may be obtained by mail from: Facilities Planning and Construction, Florida International University, Campus Support Complex, Room 236, University Park, Miami, Florida 33199, telephone (305)348-4070 or by Faxing a request to (305)348-4010 or login to <http://facilities.fiu.edu/fpc.htm> (Find project under Facilities Construction Project Information). Requests for meetings by individual firms will not be granted. Once the firm acquires the required forms, questions may be directed to Facilities Planning and Construction.

Submit qualifications to: Selection Committee, Florida International University, Facilities Planning and Construction, Campus Support Complex, Room #236, University Park, Miami, Florida 33199, by 2:00 p.m., local time, on October 27, 2003. Late submittals shall be disqualified. Facsimile (FAX) submittals are not acceptable and will not be considered.

Legal Advertisement

Pursuant to the provisions of Section 287.055, Florida Statutes, the "Consultants' Competitive Negotiations Act", Daytona Beach Community College hereby publicly announces it will

consider qualified professional firms, registered to do work in the State of Florida, for small project architectural and/or engineering services.

Provide design services as requested by Daytona Beach Community College for projects that do not exceed \$500,000.00 in estimated construction costs.

Firms or individuals with experience in designing for higher education facilities and desiring to qualify for consideration must submit five copies of a proposal to Mr. Steven D. Eckman, Director, Facilities Planning Department, Daytona Beach Community College, Post Office Box 2811, Daytona Beach, Florida 32120-2811 or deliver to 1200 West International Speedway Boulevard, Building 540, Room 112, Daytona Beach, FL 32114, to arrive no later than 12:00 Noon, October 17, 2003. Each proposal must include:

1. A letter of interest.
2. Federal Government Standard Form 254 and 255, Architect-Engineer Questionnaires, including in Section 8 of Form 255 the name, address, phone and contact person for the primary general contractor or construction manager on the project; and name, address, phone and contact person for the project; and in Section 10 the firm's practice concerning affirmative action.
3. Certificate showing evidence of insurance coverages are in force. Contact the Facilities Planning at Daytona Beach Community College for specific insurance requirement (DBCC Procedure 8011 Section III F).
4. Copies of State of Florida licensing board certificates for the firm and members of the firm.
5. A notarized statement of financial status. (The form of the statement is optional and could be in a form such as Dun & Bradstreet, by a certified public accountant, or other.)
6. A Sworn Statement of Public Entity Crime, as required by Section 287.133(3)(a), F.S.
7. An organizational chart listing personnel and consultants proposed for this project.
8. For each team member, list the five (5) most recent projects that are relevant to the proposed project (i.e., size, type, educational, etc.).

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Provide design services as requested by Daytona Beach Community College for projects that do not exceed \$500,000.00 in estimated construction costs.

Firms or individuals with experience in designing for higher education facilities and desiring to qualify for consideration must submit five copies of a proposal to Mr. Steven D. Eckman, Director, Facilities Planning Department, Daytona

Beach Community College, Post Office Box 2811, Daytona Beach, Florida 32120-2811, or deliver to 1200 West International Speedway Boulevard, Building 540, Room 112, Daytona Beach, FL 32114, to arrive no later than 12:00 Noon, October 17, 2003. Each proposal must include:

1. A letter of interest.
2. Federal Government Standard Form 254 and 255, Architect-Engineer Questionnaires, including in Section 8 of Form 255 the name, address, phone and contact person for the project; and in Section 10 the firm's practice concerning affirmative action.
3. Certificate showing evidence of insurance coverages are in force. Contact the Facilities Planning at Daytona Beach Community College for specific insurance requirement (DBCC Procedure 8011, Section III F).
4. Copies of State of Florida licensing board certificates for the firm and members of the firm.
5. A notarized statement of financial status. (The form of the statement is optional and could be in a form such as Dun & Bradstreet, by a certified public accountant, or other.)
6. A Sworn Statement of Public Entity Crime, as required by Section 287.133(3)(a), F.S.
7. An organizational chart listing personnel and consultants proposed for this project.
8. For each team member, list the five (5) most recent projects that are relevant to the proposed project (i.e., size, type, education, etc.).

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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FLORIDA SPACE AUTHORITY

REQUEST FOR PROPOSALS

The Florida Space Authority (the "Authority") is soliciting proposals from construction firms to provide general contractor services for various renovation and small construction projects. This will be a Task Order Contract. There is no guarantee that task orders will be issued and no minimum dollar amount has been established. Projects will be awarded based upon availability of funding.

Contractors desiring to provide such services should request a copy of "Request for Proposals for General Contractor Services". This RFP outlines the scope of service. General and specific conditions will be outlined on a per project basis. All proposals submitted must be prepared in accordance with the RFP.

The RFP will be available on September 26, 2003. Requests for copies of the RFP should be addressed to: Ms. JoAnne Owler, Manager – Contracts and Facilities, Florida Space Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920-4003, telephone (321)730-5301, Ext. 1122. The RFP can also be accessed via the Authority's website at <http://www.floridaspaceauthority.com> under "Solicitations/Bids". Questions should be addressed to Ms. Owler any time during business hours at the Authority. Responses to the RFP must be received by 12:00 Noon, Eastern Time Zone, October 10, 2003 at the address provided in the RFP. The Authority reserves the right to reject any and all proposals received.

DEPARTMENT OF MANAGEMENT SERVICES

PUBLIC ANNOUNCEMENT FOR CONSTRUCTION MANAGEMENT SERVICES FOR CONTINUING AREA CONTRACTS AREA 2

The State of Florida, Department of Management Services, Division of Facilities Management and Building Construction requests qualifications from construction management firms to provide services in Area 2, counties of Calhoun, Franklin, Gadsden, Gulf, Jackson, Jefferson, Leon, Liberty, Madison, Taylor, Wakulla, and other counties as may be determined necessary by the owner.

For details please visit the Department's website listed below and click on "Search Advertisements – Division of Facilities Management and Building Construction. http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu

PUBLIC ANNOUNCEMENT FOR ROOFING CONSTRUCTION MANAGEMENT SERVICES FOR CONTINUING AREA CONTRACTS AREA 2

The State of Florida, Department of Management Services, Division of Facilities Management and Building Construction requests qualifications from construction management firms to provide roofing services in Area 2, counties of Calhoun, Franklin, Gadsden, Gulf, Jackson, Jefferson, Leon, Liberty, Madison, Taylor, Wakulla, and other counties as may be determined necessary by the owner.

For details please visit the Department's website listed below and click on "Search Advertisements – Division of Facilities Management and Building Construction.

http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

INVITATION TO BID

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS AND/OR BUILDING CONTRACTORS BY THE DEPARTMENT OF HEALTH, HEREINAFTER REFERRED TO AS OWNER, FOR THE CONSTRUCTION OF:

PROJECT NO.: 70260000

SAMAS CODE: Not Available

PROJECT NAME AND LOCATION: Accessory Building Addition & Renovations, Sumter County Health Department, Bushnell, Florida

FOR: State of Florida, Department of Health

PRE-QUALIFICATION: Each bidder whose field is governed by Chapter 399, 455, 489 and 633 of the Florida Statutes for licensure or certification must submit pre-qualification data of their eligibility. Submit proposals five (5) calendar days prior to the bid opening date if not previously qualified by the Department of Management Services for the current biennium (July 1 through June 30) of odd numbered years. Call (850)488-6233 for information on pre-qualification with the Department of Management Services. After the bid opening, the low bidder must qualify in accordance with Rule 60D-5.004. A copy of rule requirements is included in the Instruction To Bidders under Article B-2 "Bidders Qualification Requirements and Procedures".

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not do the following:

1. May not submit a bid on a contract to provide any goods or services to a public entity.
2. May not submit a bid on a contract with a public entity for the construction or repair of a public building or public work.
3. May not submit bids on leases of real property to a public entity.
4. May not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity.
5. May not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for Category Two, for a period of 36 months from the date of being placed on the convicted vendor list.

PROJECT DESCRIPTION: This project consists of a new one-story health clinic accessory building addition located on the east side of the existing health clinic conference room building plus renovations to the existing conference room building, located at 415 East Noble Avenue, Bushnell, Florida 33513. The building construction consists of stucco on exterior concrete block walls, concrete block foundation walls, and interior metal stud partitions with gypsum board and painted

finish and a Lay-in ceiling grid system. The mechanical system is in a new mechanical room and not located in the attic space. There is a gabled wood roof truss system with shingle finish, aluminum windows, aluminum entrance storefront design, new on-site parking, and a new exterior canopy covered walkway. The new building addition size is approximately 1,191 gross square feet and the renovated area is approximately 1,093 gross sq. ft., which shall comply with the contract documents as prepared by the Architect/Engineer firm for the Sumter County Health Department. The project includes the construction of the building and all related site work. The building is a one-story building, Type V construction, unprotected and unsprinklered. The general contractor and/or building contractor shall be licensed in the State of Florida, and bonded for bid, performance, and labor and material payment bonds.

PERFORMANCE BOND AND LABOR MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000.00 or less, a Performance Bond and a Labor and Material Payment Bond are not required. If the construction contract award amount is more than \$100,000.00, a Performance and a Labor and Material Payment Bond SHALL be required.

MINORITY BUSINESS ENTERPRISES: In accordance with Florida Statutes, Chapter 287.042(4)(f)1., the Department of Health is "encouraged" to spend, as a "goal," twenty-one (21) percent of the monies actually expended for construction contractors with certified minority business enterprises. In the department's effort to see that this is accomplished, the Department of Health encourages minority businesses to participate in the bidding process including any bidders conferences, pre-solicitation or pre-bid meetings that are scheduled. The Department of Health further encourages contractors to utilize certified minority enterprises as subcontractors or sub-vendors whenever possible. Certified vendors are those firms certified by the State of Florida Minority Business Advocacy & Assistance Office, 2012 Capital Circle SE, Hartman Building, Suite 100, Tallahassee, Florida 32399-2152, Telephone (850)487-0915.

Sealed bids will be received, publicly opened and read aloud on:

DATE AND TIME: Tuesday, October 28, 2003, at 2:00 p.m., local time.

PLACE: Sumter Country Health Department Conference Room Building, 415 East Noble Avenue, Bushnell, Florida

SUMTER CHD TELEPHONE: (352)793-6979

SUMTER CHD FACSIMILE: (352)793-1506

MANDATORY PRE-BID MEETING: A pre-bid mandatory meeting will be held Tuesday, October 21, 2003, at 10:00 a.m., local time. The place will be the Sumter Country Health Department Conference Room Building, 415 East Noble Avenue, Bushnell, Florida.

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Addenda, Bidding Conditions, and Contractual Conditions,

which may be examined and obtained from the following location: The Winter Park Blue Print Shop, 300 North Orlando Avenue, Maitland, Florida 32794. Telephone number: 1(407)647-3034.

ARCHITECT-ENGINEER: Borrelli & Associates, 550 West New England Avenue, Suite 200, Winter Park, Florida 32789, Telephone (407)678-0888, Facsimile (407)678-6530

DEPOSITS: None Required. All general contractors, sub-contractors, and all vendors may purchase complete or partial sets of the Contract Documents on or after September 26, 2003, from the Winter Park Blue Print Shop, 300 North Orlando Avenue, Maitland, Florida. Telephone Number: 1(407)647-3034.

CONTRACT AWARD: The Bid Tabulation and Notice of Award Recommendation will be posted at 4:00 p.m., local time, on October 28, 2003, where the bids were opened. In the event that the Bid Tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be notified by certified United States Mail, return receipt requested. If no protest is filed per Section B-21 of the Instructions To Bidders, "Notice and Protests Procedures", the contract will be awarded to the qualified, responsive low bidder in accordance with Rule 60D-5 by the Owner.

FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL

Invitation to Negotiate (ITN)

ITN 2003-EM-1100

The Florida Developmental Disabilities Council (FDDC) announces the availability of an Invitation to Negotiate (ITN 2003-EM-1100). Copies of the ITN can be downloaded from FDDC's website (www.fddc.org) or copies may be requested by writing or calling FDDC, 124 Marriott Drive, Suite 203, Tallahassee, Florida 32301, (850)488-4180 or Toll Free 1(800)580-7801 or TDD toll free 1(888)488-8633. Register for electronic (email) notice of future FDDC ITNs or RFPs by going to the website (www.fddc.org) and click on the "RFPs" button near the top of the page. Then, click on the "sign up" line and follow the instructions.

The intent of this ITN1100 is to develop a Florida specific webpage that will provide Florida students with disabilities and their families information about transition issues, roles, responsibilities, services and resources.

The deadline for submitting written questions and letters of intent for this ITN is 4:00 p.m. (EST) on October 17, 2003. In order for a proposal to be considered, a letter of intent must have been received by the above referenced deadline (see Attachment VI for required form). The answers to the written questions will be posted on FDDC website on or before October 24, 2003. The deadline for submitting proposals is 4:00 p.m. (EST) on November 21, 2003.

CENTER FOR URBAN TRANSPORTATION RESEARCH

REQUEST FOR PROPOSAL

FVPP-04-CV

FVPP-04-PV

Notice is hereby given that Edward Bart, representing the Florida Vehicle Procurement Program (FVPP), University of South Florida, Center for Urban Transportation Research will receive sealed proposals on behalf of agencies within the state of Florida, herein referred to as the "Purchasers" to establish a statewide contract for the manufacture and delivery of the following 2004 model year vehicle types:

	Minimum	Maximum
Commuter Van Type Vehicles	5	500
Paratransit Van Type Vehicles	5	500

The quantities reflect the immediate and foreseeable needs of agencies within Florida and were determined by using the most recent State of Florida Program of Projects, historical data from previous FVPP contracts, and Agency (s) vehicle replacement schedules. All or part of the quantity of vehicles stated herein may be assigned to other public transit agencies desiring to purchase the same equipment specified in Part 2 of this solicitation. The FVPP reserves the right to reject any and all proposals, or any part of any or all proposals.

Copies of the RFP may be obtained from Edward Bart, FVPP Project Manager, University of South Florida, Center for Urban Transportation Research, 4202 E. Fowler Ave., CUT 100, Tampa, Florida 33620, or by telephone at (813)974-9813. The proposal may also be downloaded from our website at <http://www.cutr.usf.edu/research/fvpp/fvpp3.htm>.

Sealed proposals in original and five (5) copies must be received at the above address (Attn: Edward Bart) not later than 1:00 p.m. (EST), October 27, 2003.

A mandatory pre-proposal meeting will be held at 10:00 p.m. (EST) on October 1, 2003 at Big Bend Transit, 2201 Eisenhower Street, Tallahassee, Florida 32399. The purpose of this meeting is to answer questions and discuss specifications/clarifications relative to the RFP. Interested proposers are required to attend this meeting. Subcomponent vendors are welcome but are not required to attend.

The successful proposer will be required to comply with all Equal Opportunity Laws and Regulations, Buy America Laws, Chapter 287 of the Florida Statutes and other applicable Federal and State regulations.

TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY

The Technological Research and Development Authority (TRDA) is soliciting proposals from qualified Market Research firms to assist TRDA in assessing the efficacy of the Space Alliance Technology Outreach Program (SATOP). Activities include revision of existing questionnaire, a

telephone survey, a tabulation and data analysis, a summary report, and a presentation. A complete RFP for this solicitation can be found by visiting www.trda.org/rfp. The deadline for submission is Tuesday, September 30, 2003 at 5:00 p.m. (EDT). Any questions regarding the RFP should be addressed to Paul Secor, SATOP Director, (321)269-6330.

Section XII Miscellaneous

DEPARTMENT OF COMMUNITY AFFAIRS

DCA Final Order No.: DCA03-OR-259

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: MONROE COUNTY LAND DEVELOPMENT
REGULATIONS ADOPTED BY
MONROE COUNTY
ORDINANCE NO. 031-2003

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2002), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.

2. On August 07, 2003, the Department received for review Monroe County Ordinance No. 031-2003 which was adopted by the Monroe County Board of County Commissioners on July 15, 2003 ("Ord. 031-2003"). The purpose of Ord. 031-2003 is primarily administrative, moving the Air Installation Compatibility Use Zones (AICUZ) regulations from the Airport section of the Monroe County Land Development Regulations (LDRs) to the Overlay section of the LDRs.

3. Ord. 031-2003 is consistent with the County's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2002).

5. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2002) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2002). The regulations adopted by Ord. 031-2003 are land development regulations.

7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

8. Ord. 031-2003 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(h) To protect the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:

4. Key West Naval Air Station and other military facilities;

9. Ord. 031-2003 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 031-2003 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

Charles Gauthier, Acting Director
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR

PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL

PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this ____ day of September 2003.

Paula Ford, Agency Clerk

By U.S. Mail:
Honorable Dixie Spehar
Mayor of Monroe County
500 Whitehead Street, Suite 102
Key West, Florida 33040

Danny L. Kolhage
Clerk to the Board of County Commissioners
500 Whitehead Street
Key West, Florida 33040

Timothy J. McGarry, AICP
Director, Growth Management Division
2798 Overseas Highway, Suite 400
Marathon, Florida 33050

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for the Relocation of a Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that DaimlerChrysler Motors Company intends to allow the relocation of Gettel Nissan, Inc. d/b/a Gettel Jeep of Sarasota, as a dealership for the sale of Jeep vehicles, from its

present location at 3530 Bee Ridge Road, Sarasota, FL 34231, to a proposed location at 7707 South Tamiami Trail, Sarasota (Sarasota County), Florida 34231 on or after November 1, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Gettel Nissan, Inc. d/b/a Gettel Jeep of Sarasota are dealer operator(s): Donald Osborne, 7745 South Tamiami Trail, Sarasota, FL 34231; principal investor(s): Robert Geyer, 1800 Bay Road, Sarasota, FL 34231 and Donald Osborne, 7745 South Tamiami Trail, Sarasota, FL 34231.

The notice indicates intent to relocate the franchise in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: G. E. Nevers, Dealer Network Development Manager, DaimlerChrysler Motors Company, 10300 Boggy Creek Rd., Ste. 110, CIMS 200-01-10, Orlando, FL 32824.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Classic Motorworks, intends to allow the establishment of Mac Motors LLC d/b/a Euro Cycles, as a dealership for the sale of Royal Enfield motorcycles, at 8509 Gunn Hwy., Odessa (Hillsborough County), Florida 33556, on or after September 10, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Mac Motors LLC d/b/a Euro Cycles are dealer operator(s): Joe MacGuire, 8509 Gunn Hwy., Odessa, FL 33556; principal investor(s): Joe & Crystal MacGuire, 8509 Gunn Hwy., Odessa, FL 33556.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Larry Sahagian, General Manager, Classic Motorworks, 1220B Fourth Street, N. W., Faribault, MN 55021.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchised Motor Vehicle Dealer in a County of
More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, BMW of North America, LLC ("BMW NA") intends to allow the establishment of W. P. Enterprises of Palm Beach, LLC d/b/a BMW Motorcycles of Palm Beach as a dealership for the sale of BMW motorcycles at 10 Park Place, Palm Beach County, West Palm Beach, Florida, on or after September 9, 2003. The name and address of the dealer operator is: Anthony Perretti, 302 Route 526, Cream Ridge, NJ 08514, and the name and address of the principal investor is: William Perretti, 11950 Maidstone Drive, Wellington, FL 33414. The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

BMW NA contends that the appointment of this dealer is exempt from protest pursuant to Section 320.642(5)(b), Florida Statutes, on the grounds that it is a replacement dealer for Powersports of Boca Raton, Inc. d/b/a Boca BMW, which was located at 7750 North Federal Highway, Boca Raton, Florida, and has, less than one year from the opening date of the proposed dealership, ceased to operate.

The closest BMW motorcycle dealer to the prior location of Powersports of Boca Raton, Inc. d/b/a Boca BMW, and the closest BMW motorcycle dealer to the proposed dealership of W. P. Enterprises of Palm Beach, LLC d/b/a BMW

Motorcycles of Palm Beach is 441 Cycle Shop, Inc., which is located at 4201 Peters Road, Plantation, Florida. There are no BMW motorcycle dealerships within 25 miles of the prior location of Powersports of Boca Raton, Inc. d/b/a Boca BMW, nor within 25 miles of the proposed location of the dealership of W. P. Enterprises of Palm Beach, LLC d/b/a BMW Motorcycles of Palm Beach. Under these circumstances, because there is no BMW motorcycle dealer within 25 miles of the proposed location, BMW NA contends that the exemption from the notice and protest requirements of Section 320.642, Florida Statutes, which is contained in Section 320.642(5)(b), Florida Statutes, applies. Further, it is also noted, but not necessary to the application of Section 320.642(5)(b), Florida Statutes, that the proposed replacement dealer location of W. P. Enterprises of Palm Beach, LLC d/b/a BMW Motorcycles of Palm Beach, is further from 441 Cycle Shop, Inc., than was Powersports of Boca Raton, Inc. d/b/a Boca BMW.

However, the contention of BMW NA, with respect to the interpretation of Section 320.642(5)(b), Florida Statutes, and the manner in which it should be applied to determine whether the relocation is exempt from notice and protest is a contention and does not constitute a representation by BMW NA on which any dealer may rely. Therefore, any BMW motorcycle dealer who disagrees with the contention of BMW NA, and who contends that it has standing to protest as provided in Section 320.642, Florida Statutes, must file a protest as indicated below or be barred from objecting to this relocation. BMW NA, although publishing this notice, reserves its rights to assert that the exemption claimed above does apply and that accordingly no other dealer may protest the relocation.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application. Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635. A copy of such petition or complaint must also be sent by U.S. Mail to: Craig Czock, Retail Development Manager, BMW of North America, LLC, 300 Chestnut Ridge Road, Woodcliff Lake, NJ 07677. If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for the Relocation of a
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Ford Motor Company, intends to allow the relocation of Garber Ford Mercury, Inc., as a dealership for the sale of Mercury motor vehicles, from its present location at 601 North Orange Avenue, Green Cove Springs (Clay County), FL, to a proposed location as followed on or after August 31, 2003:

Based on information and belief, the relocated dealership will operate less than two miles from the previous location when measured by furthest to furthest points. Accordingly, the relocation is exempt from protest pursuant to Section 320.642(5)(a), Florida Statutes. Following is a legal description of the property:

A parcel of land situated in lot 9 of a subdivision of the Thomas Travers Grant, section 39, township 5 south, range 26 east, Clay County, Florida, according to map recorded in deed book "I", pages 624 & 625 of the Public Records of said county said parcel being more particularly described as follows:

Commence at the southeast corner of said lot 9, then on the southerly line thereof north 86 degrees 32 minutes 00 seconds west 48.07 feet to the westerly line of State Road No. 15 (US Highway 17); thence on last said line north 27 degrees 29 minutes 00 seconds west 266.45 feet to the point of beginning:

Thence southwesterly on the arc of a curve concave to the northwesterly and having a radius of 30.00 feet, run a chord distance of 46.27 feet the bearing of said chord being south 22 degrees 58 minutes 49 seconds west; thence south 73 degrees 26 minutes 37 seconds west; 651.03 feet to the easterly line of CSX Transportation Railroad (formerly Seaboard Coastline Railroad); thence on last said line north 42 degrees 40 minutes 22 seconds west 881.32 feet, thence north 65 degrees 33 minutes 07 seconds east, 746 feet, more or less, to the center line of Clay Branch; thence along said centerline, in a general southeasterly direction, following the meanderings thereof and along, the center line of said Clay Branch as it existed on November 23, 1973, a distance of 203 feet to a point on said westerly line of State Road No. 15, which lies 788 feet, more or less, from the point to the beginning; thence on said easterly line south 27 degrees 29 minutes 00 seconds east 788 feet, more or less, to the point of beginning, being 15.72 acres, more or less, in area.

The name and address of the dealer operator(s) and principal investor(s) of Garber Ford Mercury, Inc. are: dealer operator(s): Richard J. Garber, R. Michael Dicken, 6200 State Street, Suite 2, Saginaw, MI 48603 and Ronald T. Harris, Jr., 601 North Orange Ave., Green Cove Springs, FL 32043; principal investor(s): Richard J. Garber Trust, Richard J. Garber, Trustee, 6200 State Street, Suite 2, R. Michael Dicken

Revocable Trust, R. Michael Dicken, Trustee, 6200 State Road, Suite 2, Saginaw, MI 48603 and Ronald T. Harris, Jr., 601 North Orange Ave., Green Cove Springs, FL 32043.

The notice indicates an intent to relocate the franchise in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Gary R. Olsson, Retail Development Manager, Ford Motor Company, 151 Southhall Lane, Suite 160, Maitland, FL 32751.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

**BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

AGENCY FOR HEALTH CARE ADMINISTRATION

**NOTICE OF BATCHED APPLICATION RECEIPT
AND**

NOTICE OF TENTATIVE PUBLIC HEARINGS

The Agency For Health Care Administration has received and accepted the following Certificate of Need applications for review in the batched Hospital Beds & Facilities review cycle with an application due date of September 10, 2003.

County: Escambia

District: 1

CON # 9700 Application Receipt Date: September 10, 2003

Facility/Project: Sacred Heart Hospital

Applicant: Sacred Heart Health System, Inc.

Project Description: Add up to eight Level III NICU beds

County: Escambia District: 1
CON # 9701 Application Receipt Date: September 10, 2003
Facility/Project: Select Specialty Hospital – Escambia, Inc.
Applicant: Select Specialty Hospital – Escambia, Inc.
Project Description: Establish a long-term care hospital of up to 60 beds at Sacred Heart Hospital

County: Escambia District: 1
CON # 9702 Application Receipt Date: September 10, 2003
Facility/Project: SemperCare Hospital of Pensacola, Inc.
Applicant: SemperCare Hospital of Pensacola, Inc.
Project Description: Establish a long-term care hospital of up to 40 beds at Baptist Hospital of Pensacola

County: Marion District: 3
CON # 9703 Application Receipt Date: September 10, 2003
Facility/Project: Kindred Hospitals East, L.L.C.
Applicant: Kindred Hospitals East, L.L.C.
Project Description: Establish a long-term care hospital of up to 40 beds

County: Alachua District: 3
CON # 9704 Application Receipt Date: September 10, 2003
Facility/Project: Select Specialty Hospital – Alachua, Inc.
Applicant: Select Specialty Hospital – Alachua, Inc.
Project Description: Establish a long-term care hospital of up to 60 beds

County: Duval District: 4
CON # 9705 Application Receipt Date: September 10, 2003
Facility/Project: Select Specialty Hospital – Duval, Inc.
Applicant: Select Specialty Hospital – Duval, Inc.
Project Description: Establish a long-term care hospital of up to 40 beds at Shands-Jacksonville Medical Center

County: Volusia District: 4
CON # 9706 Application Receipt Date: September 10, 2003
Facility/Project: SemperCare of Volusia, Inc.
Applicant: SemperCare of Volusia, Inc.
Project Description: Establish a long-term care hospital of up to 50 beds at Florida Hospital Oceanside

County: Clay District: 4
CON # 9707 Application Receipt Date: September 10, 2003
Facility/Project: Kindred Hospital North Florida
Applicant: Kindred Hospitals East, L.L.C.
Project Description: Add up to 20 long-term care hospital beds

County: Pinellas District: 5
CON # 9708 Application Receipt Date: September 10, 2003
Facility/Project: Palms of Pasadena Hospital, L.P.
Applicant: Palms of Pasadena Hospital, L.P.
Project Description: Establish up to a 20-bed comprehensive medical rehabilitation unit through the conversion of a combination of up to 20 acute care beds and skilled nursing beds.

County: Polk District: 6
CON # 9709 Application Receipt Date: September 10, 2003
Facility/Project: SemperCare Hospital of Lakeland, Inc.
Applicant: SemperCare Hospital of Lakeland, Inc.
Project Description: Establish a long-term care hospital of up to 40 beds at Lakeland Regional Medical Center

County: Polk District: 6
CON # 9710 Application Receipt Date: September 10, 2003
Facility/Project: Select Specialty Hospital – Marion, Inc.
Applicant: Select Specialty Hospital – Marion, Inc.
Project Description: Establish a long-term care hospital of up to 60 beds

County: Orange District: 7
CON # 9711 Application Receipt Date: September 10, 2003
Facility/Project: University Behavioral Center
Applicant: Orlando HMA, Inc.
Project Description: Add 24 IRTF beds

County: Lee District: 8
CON # 9712 Application Receipt Date: September 10, 2003
Facility/Project: Lee Behavior Health Systems, Inc.
Applicant: Lee Behavior Health Systems, Inc.
Project Description: Establish an adult psychiatric hospital of up to 55 beds

County: Sarasota District: 8
CON # 9713 Application Receipt Date: September 10, 2003
Facility/Project: HealthSouth Rehabilitation Hospital of Sarasota
Applicant: HealthSouth of Sarasota, L.P.
Project Description: Replace up to 76 comprehensive medical rehabilitation beds

County: Lee District: 8
CON # 9714 Application Receipt Date: September 10, 2003
Facility/Project: Long Term Care Hospital of SW Florida, Inc.
Applicant: Long Term Care Hospital of SW Florida, Inc.
Project Description: Establish a long-term care hospital of up to 50 beds on the campus of a Lee Memorial Health System facility

County: Lee District: 8
CON # 9715 Application Receipt Date: September 10, 2003
Facility/Project: Select Specialty Hospital – Lee, Inc.
Applicant: Select Specialty Hospital – Lee, Inc.
Project Description: Establish a long-term care hospital of up to 60 beds

County: Sarasota District: 8
CON # 9716 Application Receipt Date: September 10, 2003
Facility/Project: Select Specialty Hospital – Sarasota, Inc.
Applicant: Select Specialty Hospital – Sarasota, Inc.
Project Description: Establish a long-term care hospital of up to 44 beds

County: Sarasota District: 8
 CON # 9717 Application Receipt Date: September 10, 2003
 Facility/Project: SemperCare Hospital of Sarasota, Inc.
 Applicant: SemperCare Hospital of Sarasota, Inc.
 Project Description: Establish a long-term care hospital of up to 40 beds at Sarasota Memorial Hospital

County: Palm Beach District: 9
 CON # 9718 Application Receipt Date: September 10, 2003
 Facility/Project: Kindred Hospitals East, L.L.C.
 Applicant: Kindred Hospitals East, L.L.C.
 Project Description: Establish a long-term care hospital of up to 70 beds

County: Palm Beach District: 9
 CON # 9719 Application Receipt Date: September 10, 2003
 Facility/Project: Select Specialty Hospital – Palm Beach. Inc.
 Applicant: Select Specialty Hospital – Palm Beach. Inc.
 Project Description: Establish a long-term care hospital of up to 60 beds

County: Palm Beach District: 9
 CON # 9720 Application Receipt Date: September 10, 2003
 Facility/Project: Wellington Regional Medical Center
 Applicant: Wellington Regional Medical Center, Inc.
 Project Description: Establish a Level III NICU of up to 15 beds

County: Dade District: 11
 CON # 9721 Application Receipt Date: September 10, 2003
 Facility/Project: Meadowbrook Long Term Acute Care Hospital of West Gables, L.L.C.
 Applicant: Meadowbrook Long Term Acute Care Hospital of West Gables, L.L.C.
 Project Description: Establish a long-term care hospital of up to 60 beds

County: Dade District: 11
 CON # 9722 Application Receipt Date: September 10, 2003
 Facility/Project: Villa Maria Nursing and Rehabilitation Center, Inc.
 Applicant: Villa Maria Nursing and Rehabilitation Center, Inc.
 Project Description: Establish a new comprehensive medical rehabilitation (CMR) hospital with up to 40 beds through transfer of up to 40 CMR beds from St. Catherine's Rehab. Hospital.

County: Dade District: 11
 CON # 9723 Application Receipt Date: September 10, 2003
 Facility/Project: Baptist Hospital of Miami
 Applicant: Baptist Hospital of Miami, Inc.
 Project Description: Add seven Level III NICU beds

County: Dade District: 11
 CON # 9724 Application Receipt Date: September 10, 2003
 Facility/Project: Jackson Memorial Hospital
 Applicant: Public Health Trust of Miami-Dade County
 Project Description: Add up to 10 Level III NICU beds

County: Dade District: 11
 CON # 9725 Application Receipt Date: September 10, 2003
 Facility/Project: Miami Children's Hospital
 Applicant: Variety Children's Hospital, Inc.
 Project Description: Add up to eight Level III NICU beds through the conversion of up to eight acute care beds

County: Dade District: 11
 CON # 9726 Application Receipt Date: September 10, 2003
 Facility/Project: South Miami Hospital
 Applicant: South Miami Hospital, Inc.
 Project Description: Establish a Level III NICU of up to 10 beds through the conversion of up to six Level II NICU beds and up to four substance abuse beds.

Also, IF REQUESTED, tentative public hearings have been scheduled as follows:

PROPOSALS: District 1
 DATE/TIME: Tuesday, October 28, 2003, 1:30 p.m. (Central Time)
 PLACE: West Florida Regional Planning Council Conference Room
 3435 N. 12th Ave.
 Pensacola, FL 32593

PROPOSALS: District 3
 DATE/TIME: Thursday, October 23, 2003, 10:00 a.m.
 PLACE: North Central Florida Health Planning Council Conference Room
 18 N. W. 33rd Court
 Gainesville, FL 32607

PROPOSALS: District 4
 DATE/TIME: Tuesday, October 28, 2003, 10:00 a.m. (until noon)
 PLACE: Health Planning Council of N. E. Florida, Inc.
 2nd Floor Conference Room
 900 University Blvd., N.
 Jacksonville, FL 32211

PROPOSALS: District 5
 DATE/TIME: Friday, October 24, 2003, 9:00 a.m. (until noon)
 PLACE: Baker Building Conference Room
 888 Executive Center Drive, North
 St. Petersburg, FL 33702

PROPOSALS: District 6
 DATE/TIME: Friday, October 24, 2003, 9:00 a.m. (until noon)
 PLACE: Baker Building Conference Room
 888 Executive Center Drive North
 St. Petersburg, FL 33702

PROPOSALS: District 7
 DATE/TIME: Wednesday, October 22, 2003, 9:00 a.m. (until 10:00 a.m.)

PLACE: Health Council of East Central Florida, Inc.
Conference Room
1155 South Semoran Boulevard
Winter Park, FL 32792

PROPOSALS: District 8

DATE/TIME: Friday, October 24, 2003, 9:00 a.m. (until noon)

PLACE: Lee County Public Library
Conference Room
2050 Central Ave.
Ft. Myers, FL 33901

PROPOSALS: District 9

DATE/TIME: Tuesday, October 28, 2003, 9:30 a.m.

PLACE: Treasure Coast Health Council Inc.,
Conference Center
4152 West Blue Heron Boulevard, Suite 228
Riviera Beach, FL 33404

PROPOSALS: District 11

DATE/TIME: Wednesday, October 29, 2003, 9:00 a.m.

PLACE: Health Council of South Florida
Conference Room
8095 N. W. 12th Street, Suite 300
Miami, FL 33126

Public hearing requests must be in writing and be received at the Agency for Health Care Administration, CON Office, 2727 Mahan Drive, Mail Stop 28, Tallahassee, Florida, 32308, attention Karen Rivera, by 5:00 p.m., October 10, 2003. In lieu of requesting and attending a public hearing, written comments submitted to the department relative to the merits of these applications will become part of the official project application file. Pursuant to subsection 59C-1.010(3), F.A.C., written comments must be received by 5:00 p.m., October 15, 2003.

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for nursing home facilities participating in the Florida Medicaid Program.

PURPOSE: To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for nursing home facilities, the Agency is publishing the proposed rates, the methodologies underlying the establishment of such rates, and justifications for the proposed rates. The Agency is in the process of amending its Title XIX Long-Term Care Reimbursement Plan (The Plan) to incorporate changes to the reimbursement methodology.

PROPOSED RATES: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Long-Term Care Reimbursement Plan payment methodology, effective October 1, 2003, to provide the following changes in accordance with Senate Bill 1202, Sections 63 and 64, 2001-2002 Florida Legislature.

1. Effective for nursing home cost reports filed for periods ending on or after December 31, 2003, the cost reports shall be submitted electronically in a format and manner prescribed by the agency. The Agency will require one (1) hard copy of a cost report submitted with the first electronic cost report submission.
2. Update to AHCA Document Number 5300-0001 incorporating a revised chart of accounts approved by the Auditor General.

Other changes unrelated to SB 1202 are as follows:

1. A modification to the number of calendar months after the close of a provider's cost reporting year that a provider may submit a cost report to the Agency and removal of the specific extensions the Agency grants a nursing home provider for receipt of a cost report.
2. A modification to the date that the Agency shall receive a nursing home's cost report to be used in the next rate setting semester.

METHODOLOGIES: The methodology underlying the establishment of the proposed rates for Medicaid nursing facilities will be rates resulting from the current methodology used to calculate per diems in the Long-Term Care Reimbursement Plan.

JUSTIFICATION: The justification for the proposed rate change is based on the legislative direction provided in Senate Bill 1202, Sections 63 and 64, 2001-2002 Florida Legislature.

The Agency is proposing the above changes effective October 1, 2003. Providers, beneficiaries and their representatives, and other concerned state residents may provide written comment on the proposed rates, methodologies and justification underlying the establishment of such changes. Written comments may be submitted to: Robert Butler, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308. Written comments should be submitted no later than October 17, 2003.

Copies of the proposed reimbursement plan incorporating the above changes are not available at this time. Please contact the person listed above for a copy of the Plan when available.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation, announces it will be accepting applications for inclusion in the drawing for new quota liquor licenses beginning AUGUST 18, 2003 and continuing through NOVEMBER 15, 2003 for the following counties and amounts: ALACHUA (1), BREVARD (1), BROWARD (2), CITRUS (1), CLAY (1), COLLIER (2), DADE (3), DUVAL (1), FLAGLER (1), GADSDEN (1), HERNANDO (1), HIGHLANDS (1), HILLSBOROUGH (4), INDIAN RIVER (1), LEE (2), LEON (1), MANATEE (1), MARION (1), MARTIN (1), ORANGE (2), OSCEOLA (2),

PALM BEACH (4), PASCO (1), ST. JOHNS (1), ST. LUCIE (1), SARASOTA (1), SEMINOLE (1), SUMTER (1), VOLUSIA (1).

All interested persons should contact the Division's district office serving their area of interest.

Further information may be obtained by going to MyFlorida.com on the Internet or by calling (850)488-8284 or writing to: Division of Alcoholic Beverages and Tobacco, Bureau of Licensing and Records, New Quota License Drawing, 1940 North Monroe Street, Tallahassee, FL 32399-1021.

This is an amended notice. The previous notice reflected Orange County having (3) available licenses.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

On September 12, 2003, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Cheryl E. Sargent, RN, MT, license number RN 2713182. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On September 12, 2003, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Penny T. Stockford, R.N., license number RN 2164512. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On September 12, 2003, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Samantha Fiedler, RN, license number RN 9188222. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6),

Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On September 12, 2003, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Lisa Marlo, RN, license number RN 3081312. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation has received the following application.

Comments may be submitted to the Deputy Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379, pursuant to provisions specified in Rule 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., October 17, 2003):

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: Cypress Trust Company, Palm Beach, Florida

Proposed Purchaser: Hoyt Banyan Limited Partnership, Palm Beach, Florida, Jarmel Family Limited Partnership, West Palm Beach, Florida

Received: September 12, 2003

REQUEST FOR CORPORATE NAME APPROVAL BY A NON-FINANCIAL INSTITUTION

Notice is hereby given that the Office of Financial Regulation has received the following request for corporate name approval by a non-financial institution. Comments may be submitted to the Deputy Director, Office of Financial Regulation-Financial Institutions, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record. Any comments submitted must be received by the Office within twenty-one (21) days from publication of this notice (by 5:00 p.m., October 17, 2003):

Applicant: Howard Knepper, 16215 N. E. 18 Court, #112, Miami, Florida 33162

Proposed Name: "Florida Mortgage Bankers I, Inc."

Section XIII

Index to Rules Filed During Preceding Week

RULES FILED BETWEEN September 8, 2003 and September 12, 2003

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF BANKING AND FINANCE **Board of Funeral and Cemetery Services**

3F-5.010	9/8/03	9/28/03	28/48	29/27
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DEPARTMENT OF EDUCATION **Florida State University**

6C2-2.024	9/10/03	9/30/03	Newspaper	
6C2-2.02422	9/10/03	9/30/03	Newspaper	

DEPARTMENT OF REVENUE

12-3.0012	9/11/03	10/1/03	28/51	29/31
12-3.0017	9/11/03	10/1/03	28/51	29/31
12-18.004	9/11/03	10/1/03	29/26	

Sales and Use Tax

12A-1.097	9/11/03	10/1/03	29/26	
12A-19.020	9/11/03	10/1/03	29/26	
12A-19.100	9/11/03	10/1/03	29/26	

Miscellaneous Tax

12B-7.008	9/11/03	10/1/03	29/26	
12B-7.026	9/11/03	10/1/03	29/26	
12B-7.030	9/11/03	10/1/03	29/26	
12B-7.031	9/11/03	10/1/03	29/26	

DEPARTMENT OF TRANSPORTATION

14-15.0081	9/11/03	10/1/03	29/27	
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STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

19B-4.001	9/11/03	10/1/03	29/32	
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DEPARTMENT OF CORRECTIONS

33-401.401	9/11/03	10/1/03	29/31	
33-601.713	9/9/03	9/29/03	29/32	
33-601.714	9/9/03	9/29/03	29/32	
33-601.715	9/9/03	9/29/03	29/32	
33-601.716	9/9/03	9/29/03	29/32	
33-601.717	9/9/03	9/29/03	29/32	
33-601.718	9/9/03	9/29/03	29/32	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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33-601.719	9/9/03	9/29/03	29/32	
33-601.720	9/9/03	9/29/03	29/32	
33-601.727	9/9/03	9/29/03	29/32	
33-601.729	9/9/03	9/29/03	29/32	
33-601.731	9/9/03	9/29/03	29/32	
33-601.732	9/9/03	9/29/03	29/32	
33-601.736	9/9/03	9/29/03	29/32	
33-601.737	9/9/03	9/29/03	29/32	

FLORIDA LAND AND WATER ADJUDICATORY COMMISSION

Tomoka Community Development District

42LL-1.001	9/12/03	10/2/03	29/28	
42LL-1.002	9/12/03	10/2/03	29/28	
42LL-1.003	9/12/03	10/2/03	29/28	

AGENCY FOR HEALTH CARE ADMINISTRATION **Medicaid Program Office**

59G-4.001	9/11/03	10/1/03	29/26	
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

61-6.015	9/10/03	9/30/03	29/32	
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Electrical Contractors' Licensing Board

61G6-5.001	9/11/03	10/1/03	29/32	
61G6-5.003	9/11/03	10/1/03	29/32	
61G6-5.012	9/11/03	10/1/03	29/32	
61G6-9.001	9/11/03	10/1/03	29/32	
61G6-9.005	9/11/03	10/1/03	29/32	
61G6-10.003	9/11/03	10/1/03	29/32	

Board of Professional Engineers

61G15-20.007	9/12/03	10/2/03	29/20	29/31
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FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

68A-15.005	9/9/03	9/29/03	29/30	
68A-15.062	9/9/03	9/29/03	29/31	
68A-27.004	9/9/03	9/29/03	29/30	
68A-27.005	9/9/03	9/29/03	29/30	